to make her community a better place to live, she is also a historian, having written a history of the Henry Methodist Church and she has kept a day to day diary since 1920.

Mrs. Peebles was born in 1885 and when she was 14 years old, her father died leaving her to take over the family responsibilities. She attended Bethel College to qualify as a teacher and has been committed to serving her fellow man ever since.

Mr. Speaker, I do not know what Mrs. Peebles secret to her long life is, but I am told that she has drunk one or two Dr Pepper soft drinks every day since they came on the market.

In these days, when everyone seems so caught up in day-to-day activities that they do not have any time to be concerned about their neighbor, I think Mrs. Peebles stands as an example that all of us should strive for. She has unselfishly worked for the good of the people of Henry, Tenn., and I join with them in saluting her on "Stella Peebles Day."

SENATE—*Friday, September 24, 1976*

The Senate met at 9 a.m. and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father whose grace is sufficient for all our needs, we thank Thee for Thy mercies which are new every morning. For this quiet moment may we rise above our baser selves and, instead of thinking about our pressing problems, may there come the lure of far horizons, the light of lifted skies. Keep before us the vision of a better nation in a better world. As our fathers trusted in Thee and were not confounded so we put our trust in Thee. Strengthen us by Thy presence and lead us through the toilsome hours to the evening with our work well done. Then grant us a period of worship and rest and the inner peace of those whose minds are stayed on Thee. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 24, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, September 23, 1976, be dispensed with.

Mr. ALLEN. Mr. President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ALLEN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

QUORUM CALL

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. ROBERT C. BYRD. Mr. President, I ask that the Senator stand when he addresses the Chair.

Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 53 Leg.]

Allen	Griffin	Morgan
Byrd, Robert C.	Helms	
Clark	Leahy	

The ACTING PRESIDENT pro tempore. A quorum is not present.

The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion.

The motion was agreed to.

The ACTING PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

Pending the execution of the order, the following Senators entered the Chamber and answered to their names:

Burdick	Hart, Gary	Pearson
Byrd, Harry F., Jr.	Inouye	Percy
Ford	Long	Sparkman
Garn	Mathias	Talmadge
	Nunn	

Mr. ROBERT C. BYRD. Mr. President, I move that the Sergeant at Arms be directed to compel the attendance of absent Senators, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Indiana (Mr. BAYH), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Maine (Mr. HATHAWAY), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Washington (Mr. MAGNUSON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Rhode Island (Mr. PASTORE), the Senator from Rhode Island (Mr. PELL), the Senator from California (Mr. TUNNEY), and the Senator from Alaska (Mr. GRAVEL) are necessarily absent.

I also announce that the Senator from Ohio (Mr. GLENN) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

The result was announced—yeas 61, nays 3, as follows:

[Rollcall Vote No. 643 Leg.]

YEAS—61

Baker	Eastland	Laxalt
Bartlett	Fannin	Leahy
Brooke	Fong	Long
Bumpers	Ford	Mathias
Burdick	Garn	McClellan
Byrd, Harry F., Jr.	Griffin	McGovern
Byrd, Robert C.	Hansen	McIntyre
Cannon	Hart, Gary	Morgan
Case	Haskell	Muskie
Church	Helms	Nelson
Clark	Hollings	Nunn
Culver	Hruska	Packwood
Curtis	Inouye	Pearson
Durkin	Jackson	Percy
Eagleton	Javits	Proxmire
	Johnston	Randolph

Ribicoff	Stevens	Thurmond
Roth	Stevenson	Tower
Scott, Hugh	Stone	Williams
Sparkman	Symington	Young
Stennis	Talmadge	

NAYS—3

Allen	Biden	Weicker

NOT VOTING—36

Abourezk	Gravel	Mondale
Bayh	Hart, Philip A.	Montoya
Beall	Hartke	Moss
Bellmon	Hatfield	Pastore
Bentsen	Hathaway	Pell
Brock	Huddleston	Schweiker
Buckley	Humphrey	Scott, William L.
Chiles	Kennedy	Stafford
Cranston	Magnuson	Taft
Dole	Mansfield	Tunney
Domenici	McClure	
Glenn	McGee	
Goldwater	Metcalf	

So the motion was agreed to.

The PRESIDING OFFICER (Mr. MORGAN). With the addition of Senators voting who did not answer the quorum call, a quorum is now present.

THE JOURNAL

The PRESIDING OFFICER. The clerk will read the Journal.

The legislative clerk proceeded to read the Journal of Thursday, September 23, 1976.

During the reading the following occurred:

Mr. HELMS. Mr. President, may we have order so Senators may hear the reading of the Journal?

The PRESIDING OFFICER. The clerk will suspend until there is order in the Senate. Those talking please retire to the cloakroom.

The clerk will proceed.

The legislative clerk resumed the reading of the Journal.

During the reading the following occurred:

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that further reading of the Journal be dispensed with.

Mr. HELMS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk will proceed.

The legislative clerk resumed the reading of the Journal.

Mr. ALLEN. Mr. President, I ask unanimous consent that further reading of the Journal be dispensed with.

The PRESIDING OFFICER (Mr. MORGAN). Is there objection? The Chair hears none, and it is so ordered.

QUORUM CALL

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested, and the clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARY HART). Without objection, it is so ordered.

BILL RETURNED TO CALENDAR OF GENERAL ORDERS—H.R. 8401

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent, and I make this request on behalf of the two Senators from Alabama, the senior Senator and the junior Senator, that the bill, H.R. 8401, the Nuclear Fuel Assurance Act which is presently on the calendar of Subjects On The Table, be restored to the calendar of General Orders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I appreciate the action of the distinguished assistant majority leader in obtaining unanimous consent that H.R. 8401, the Nuclear Fuel Assurance Act, be taken from the table and returned to the calendar. This is a most important bill. It is an important bill in helping solve the energy crisis that we have in this country. It involves the privatization of the nuclear enrichment field. It is a bill that has come out of the Joint Atomic Energy Committee. It is a bill that is recommended by the administration. The distinguished majority leader (Mr. MANSFIELD) has a letter from the President requesting action during this Congress on this bill. It is very important to the Nation, very important to the free world. I appreciate the bill's being restored to the calendar.

The bill was put on the table without consulting me or my distinguished senior colleague (Mr. SPARKMAN), and he entertains the same views that I do on this subject and on the need to have action by the Senate on this bill. It passed the House of Representatives and all that it needs to go to the President is action by this body.

The restoration of the bill to the calendar does give us an opportunity to call on the Senate, by a motion, to proceed to this bill, gives us the opportunity to have a vote on this important issue before the adjournment of Congress. My distinguished senior colleague (Mr. SPARKMAN) and I called on the majority leader to bring the bill up and he did respond to our request by asking unanimous consent that a time limit be placed on consideration of the bill, a lengthy time limit, starting with 8 hours on the bill and then, I believe, 2 hours on amendments. There were a number of objections. I recognize that there is strong opposition to the bill, but I feel that it is an issue that should be met head on by the Senate, the House having acted.

I appreciate very much the spirit of cooperation exhibited by the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD) and the spirit of cooperation shown by the Members of the Senate who were in the Chamber and with whom this request had been cleared. We are hopeful that this bill will be called up by unanimous consent. In any event, I do anticipate that sometime next week, Senator SPARKMAN and I will jointly make a motion to proceed to the consideration of this bill.

Once again, I express my appreciation to the distinguished assistant majority leader.

Mr. President, for further information on the issue involved here, I ask unanimous consent that there be printed in the RECORD testimony which I gave before the Joint Committee on Atomic Energy on March 23, 1976, as to this bill.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR JAMES B. ALLEN OF ALABAMA

OPENING STATEMENT

Mr. Chairman and distinguished Members of the Committee, I am pleased to be able to appear before you today inasmuch as I know that these hearings on the critical subject of the Nuclear Fuel Assurance Act, S. 2035, are dedicated to the consideration of a massive amount of expert testimony. It is my understanding that you will hear from representatives of private industry, government corporations, and cooperatives, on the proposed legislation. You will be bombarded with a host of technical details, engineering concepts, financial facts, and economic projections. In other words, the whole mix of data from which the Committee and the Congress must make a determination about—more than a national policy—a long-term determination and commitment about the future energy needs and the energy sufficiency of our nation.

I appear as an advocate for the proposition that America's free enterprise system can, should, and will do a job for the nation's energy sufficiency problem which the Government probably cannot do as well, or as efficiently, or as economically.

I certainly do not appear as a nuclear engineer, a nuclear architect, a construction expert or even as an energy expert. I come as one who has a philosophic and conceptual view of the role of government and of the competitive free enterprise system.

I shall not attempt to burden you with facts you already have or facts you will be receiving today from qualified and recognized experts. Rather, I wish to deal with the underlying philosophy which supports the concept that the private enterprise system can do something better and cheaper than the United States Government.

I should like also at this time, Mr. Chairman, to express to you and the Members of the Committee, my admiration for the diligence you have shown in considering this revolutionary but eminently practical concept of privatization of the nuclear enrichment process. Your insightful consideration of this matter has answered many of the questions I have had about the legislation and about the technical aspects of the processes we are dealing with in the proposed legislation. Your hearing record also, and quite rightly so, brought to light new problems which had not been adequately addressed in the original proposal. I believe, in the intervening time, because of your concerns, many of the problems about the President's plan have been solved. I plan to touch on this matter later in my statement.

Mr. Chairman, I wish to reiterate once again my admiration for the work of your Committee in considering this important legislation. You have focused the attention of the country, of the many industries involved, and certainly, the Members of Congress, on profound questions of public policy that face our nation now and for decades to come.

GENERAL AGREEMENTS ON THE NEED FOR AN EXPANDED NUCLEAR ENRICHMENT PROGRAM—NOW!

Before launching my layman's remarks on the subject of S. 2035, I shall assume that we are all agreed on at least five major propositions dealing with the subject of nuclear enrichment. These areas have been covered at length by Members of this Committee and by expert testimony, but I will review them very briefly.

First, there is general agreement, I believe, that the "nuclear option" must be kept open as we look to the future energy needs of our country. Second, it is patently obvious that in order to keep the nuclear option open, we need more capacity throughout the nation to produce enriched uranium in order to provide the fuel rods which in turn will drive the atomic reactors which will be coming on line in the 1980's and the 1990's and beyond. Third, I believe there is general agreement that our country must do all in its power to control, and significantly limit the growth of nuclear enrichment technology around the world and the uses to which that technology will be put. This can best be achieved by dramatically improving our domestic enrichment capacity as soon as possible, creating, I believe, the international "signal" that we intend to go to great lengths to maintain and improve our dominant technological position in the world with regard to the supply of enriched uranium. Fourth, I believe there is agreement, but perhaps not general agreement, that the cost involved in meeting the objectives of the items I have just cited, will be enormous. Fifth, and here comes the rub, there is not general agreement on how our country should achieve the goals implicit in the "agreements" I have just touched upon. I think Chairman Pastore put it most succinctly when he said on December 2 last year:

"We do not quarrel with the intent of assuring that the United States has an adequate enrichment capability to supply both domestic and foreign commitments, but we are here today to look at the specific proposals as to how we go about this important task."

PRIVATE VERSUS PUBLIC: OVERVIEW

Mr. Chairman, habits are hard to break. Furthermore, tradition can oftentimes be the enemy of progress. What is more, the institutionalization of a habit, cloaked in tradition, and operated by a bureaucracy, particularly a government bureaucracy based on generally secret technology, can stifle initiative, impede entrepreneurship, and work at cross purposes to the goals of free society.

There were, thirty years ago, good and sufficient reasons for capturing the nuclear genie in a Federal bottle. When the main thrust of uranium enrichment was directed almost totally for the defense establishment, national security mandated a Government monopoly, and rightly so. In the intervening years, we have witnessed the growth of a spin-off industry—as envisioned by the first Atomic Energy Act—the civilian nuclear power industry, which now provides approximately eight percent of the electricity generated for our nation. During this period of the growth of the civilian nuclear power generating industry, holes were punched in the cork on the Federal nuclear bottle in order to advance and stimulate the growth of civilian nuclear power and, thus, diversify our total energy system. As energy from abroad has become more scarce or dear, we realize the wisdom of the early commitment to a civilian nuclear power industry. Nevertheless, the habits and traditions of Federal control over the production, maintenance, transportation, and use of nuclear energy has, to this date, remained essentially in place. The realization of the full potential of a civilian nuclear industry has been proportionately limited.

Today we stand at a crossroad—using the President's term. We must look ahead to the next thirty-plus years of nuclear energy production and decide whether or not we have sufficient knowledge, sufficient technology, sufficient regulatory power, and, most important, sufficient faith in the free enterprise system, to launch a new era in the development of nuclear energy. We can go on as before, Mr. Chairman, but the costs, in terms of dollars spent and in terms of meeting increasing demands for nuclear power, may be higher than our economy and our citizenry is willing to pay. The Congress must soon decide whether or not there will be a "hold" on future development of the "nuclear option" causing us to creep into the 21st Century, or, whether, in contrast, we march boldly into that Century on the shoulders of a competitive market system which has provided a standard of living envied around the world.

We could not be on the launching pad today, considering the long-term implications of the privatization of nuclear enrichment, were it not for the fact that private industry is ready, willing, and able, to take up the challenge of meeting a significant proportion of our future energy needs by investing huge amounts of venture capital to create a viable and competitive industry that can, and I am convinced, will, produce the nuclear fuel we need for the future.

The provision of uranium enrichment services is already, now, essentially a commercial and industrial activity and while it is true that Government has performed the service with the cooperation of industry to date, there is no conceptual or technological reason why this same service cannot or should not be provided by private industry if private industry desires to be in this field. And it does so desire.

I should like to make a brief aside right here, Mr. Chairman, to illustrate my last point. The Joint Commitee has in its files, the statement dated December 31, 1975, from the Edison Electric Institute, regarding the proposed legislation. A key sentence therein states: "The Institute favors the prompt passage of the Nuclear Fuel Assurance Act." In the *Weekly Energy Report* for January 12, 1976, the lead article is entitled, "Utilities Moving to Support Enrichment Proposal." A week later, that same report has a headline reading, "Edison Electric Institute Lends Enthusiastic Support to Private Enrichment." The point of referring you to these headlines is to compare the current attitude of the Institute with its previous consideration of this same matter as noted in its June 1974 Report in which its position was one of doubtful support of privatization and of near advocacy of a public corporation. The Institute, which represents the major users of the sought-after enriched material, has decided that privatization is feasible, viable, profitable, attainable, and credible!

We have generally agreed that the uranium enrichment process and the uranium enrichment industry must expand rapidly over the next decade and it is my contention that such expansion should occur in the private sector of our economy rather than from within the Federal Establishment. Construction of the needed plants to increase uranium enrichment capacity into the next Century has been variously estimated to cost between 30 to 50 billions of dollars. If we take the low figure, the demands on our federal budget in this and succeeding years will obviously drain away from those budgets, available tax dollars which the electorate might rather see spent on areas of public need which can only be financed by the Government such as defense preparedness and some areas of social services.

Almost all of the testimony you have received and I strongly suspect, the testimony you will continue to receive on this subject, points to the forecast that our nation's reliance on nuclear power will grow, and perhaps by leaps and bounds. Assuming that such forecasts are accurate, it seems to follow that to maintain a Federal monopoly in the field of uranium enrichment would lead to an increasing degree of Federal control over the nation's energy supply. Such an eventuality would be a step backward rather than a step forward, and a costly one at that.

PRIVATE VERSUS PUBLIC: IS MONOPOLY RIGHT?

Passage of the Nuclear Fuel Assurance Act would encourage competition in this new industry over the long term and such competition, again over the long term, will, in my opinion, bring about lower costs, improved efficiencies, and technological advancements. Privatization will generate revenues to all levels of government. With respect to the Federal Government, there will be the payment of Federal income taxes, compensation and royalties for Government-owned discoveries and inventions used by the industry. Furthermore, privatization at this juncture, and looking forward, will avoid the political uncertainties which always surround the Federal Government's budget considerations and the Congressional appropriations process which has been needed to finance new increments of capacity for the enrichment process.

I believe the Committee must answer a philosophical question in considering this legislation and that is whether or not—in this day of growing public criticism of the centralization of Government, of the growing burden of governmental regulation, of growing disillusionment and dissatisfaction with the manner of use of tax revenues—the maintenance, strengthening, and extension of a Government monopoly over what could be a competitive industry, is viable and in the national interest?

I am reminded of a quote by Henry Ford in speaking of business monopoly that might equally be applied to the Government. He said:

"Monopoly is a wonderful word for a demagogue fishing for many little votes in behalf of a big government. But monopoly is a word specific in meaning . . . the fruits of monopoly are easy to define. They are restricted consumption, lowered standards of living, dumb management, rusting initiative, still-born invention and beclouded vision."

We may have reached that point, where the Government itself, with respect to the provision of enriched nuclear fuel, fits the description cited by the late automobile magnate.

It is commendable that Energy Research and Development Administration is willing to give up its monopoly in the field of nuclear enrichment. The fact that ERDA is willing to make such a fundamental change is indicative of the faith that the Government has in the ability of a private nuclear enrichment industry to do the job now done by the Government, and that such a private industry will grow and thrive. This is a unique situation—the Government willing to forego its monopoly position and foster private competition.

PRIVATE VERSUS PUBLIC: THE ADVANTAGES OF GOING PRIVATE

Mr. Chairman, if there is general, or even partial agreement about the need for a dramatic increase in the nuclear enrichment capacity for the nation—and I assume there

is—and if we accept the projections and figures of the Administration that the "need" will require a quadrupling of capacity in the next two decades—I believe it is almost a certainty that the Congress must look for an "out" from the demands on the Federal budget of such a massive addition to our current capacity.

The means is provided in the pending bill because private industry, under controlled factors and regulated assurances, is ready, willing, and able to commit capital to the creation of such an industry. Dr. MacAvoy of the Council on Economic Advisors, when testifying earlier, pointed out that to reach even the lowest estimates for new capacity, plus meeting foreign demands for enrichment services, will call for the addition of roughly 8 to 10 additional large uranium enrichment plants of capacity equal to the average of the three existing plants.

He noted that a private enrichment industry with 10 large plants and perhaps three times as many small plants, would approximate the numbers found in already highly competitive industries in the United States.

The most obvious cost advantage in "going private" arises when one compares the monopoly-continuation alternative. If private industry creates the needed additional capacity, private, not Federal, capital will be the source of funds for the building of the necessary plants. Without this legislation, the Government would have to undertake immediately the construction of adequate facilities at enormous expense to the taxpayer. Furthermore, under privatization the Government will receive royalty payments from private enrichers for the use of Government technology and will be paid for other services rendered; such payments accrue to the taxpayer-at-large.

Comparatively speaking, the answer to the private route was provided the Committee when it requested additional economic and budgetary impact information from the Council on Economic Advisors. That data which appears in Appendix 10 of the hearings should startle any legislator who, knowingly, opts for continuation of the Government monopoly when there is a less expensive alternative. There does not appear to me, in reading those charts, to be any way of expanding Government capacity to do the job we agree must be done without dipping heavily into the taxpayer's pocket for the next fifteen years. The question is—is this really necessary? I submit that it is not.

Now, I will admit that much has been made of the "guaranty" part of the legislation, particularly with reference to the eight billion dollar figure. Certainly, that is an enormous amount of money to be guaranteeing to bring this industry into being—but look at the alternatives.

In the "worst case" scenario that has been more than adequately dwelt upon in the hearings, the Government could be "out" the $8 billion over a period of time. Frankly, I agree with most of the witnesses that such an eventuality is quite unlikely, but even were it to happen, the Government would be far from totally losing that amount of money. We must remember that the Government would be gaining the plants—in whatever stage of construction or production capacity—research and development advantages et cetera, sunk into the project(s) by the industry to that point.

In other words, one could look at the proposition this way: the Government calculatedly risks an eight billion dollar guaranty for the private industry and if something should precipitate a Government takeover of the private efforts, the Government is "richer" by the effort up to that time expended by the industry. Alternatively, the Government does not have to gamble at all—it could simply sink approximately $30 billion into the increased enrichment capacity and be done with it. I submit that that would be a poor way to use the taxpayer's dollars—this year, and in future years.

THE LEGISLATION

While I stand foursquare against the continued monopolization by the Government of the technology which will produce the new uranium enrichment facilities that we know will be needed for the future, I am aware that we cannot simply "lift-off" into a new era of privatization without adequate safeguards for the public good. Having seen the letter of Administrator Robert C. Seamans, Jr., of the Energy Research and Development Administration dated February 23 of this year, it is indeed heartening to note that the Administration and this Committee have been able to hammer out some compromises on specific sections of S. 2035 which, I believe, should provide the base from which the Committee can then take this legislation to the respective Houses of Congress for final debate and action in the very near future.

The most fundamental change in the legislation is that the principle has been established that there shall now be procedures for Congressional review and disapproval of proposed Government-private industry arrangements negotiated under the terms of the Act and within a time frame that should be acceptable to all private firms and/or consortia who submit proposals to the Energy Research and Development Administration to get into the nuclear enrichment business. The Committee has wrung a credible agreement out of the Administration on this and other sections of the bill and I am convinced that the measure is fair, workable, and protects the interests of the Government and the public as the nation moves toward the privatization of the nuclear enrichment industry.

THE PRIVATE PROPOSALS AND CONCLUSION

Mr. Chairman, in the hearings today, I know that you will be listening to weighty testimony about the various technologies dealing with the enrichment of uranium, and you will be considering the claims and counter-claims about the efficacy and time-availability of such technologies. I am not qualified to speak to you about the technical merits of one process over another, or even, to provide an input about the budgetary impact of one process versus another, or to discuss, except in general terms, the financial/equity considerations which must be addressed before a decision is made on the pending legislation.

But let me add this note: In my view, the argument, debate, or discussion about varying technologies to achieve increased nuclear enrichment capacity are of a "follow-on" nature. The decision by the Committee on the subject of privatization has to be made, one way or the other, up or down, now or perhaps never, before the technological, financial, and Government guaranty discussions have meaning or merit.

Naturally, I am hopeful the Committee will recommend to both Houses of Congress the adoption of S. 2035, with appropriate clarifying language worked out by the Committee and the Administration. Then, and only then, if the bill is passed, can the Government push the button that will make the industry jump—and soon. With the passage of the Nuclear Fuel Assurance Act, I suspect the Committee will soon be considering intensively the types of technology to be undertaken and the scope of the negotiations between ERDA and any private group or firm. The problem is time—as usual. A delayed decision by the Congress would almost seal the fate of the great potential for increasing enriched uranium fuel in time to open the "order book" for the fuel we know will be needed in the 1980's. Therefore, I urge you to bring in a decision so that ERDA and the private organizations now interested in creating this new industry can get to work.

As you know, if the bill is passed, one of the processes to be evaluated by ERDA, and the Committee, is that submitted by the Uranium Enrichment Associates (UEA) which proposes to build a gaseous diffusion nuclear enrichment plant near Dothan, Alabama. It was unfortunate that your December hearings had to focus only on the concerns about that particular proposal.

I assume that similar careful scrutiny will be given to other, competing processes, now that the field is attracting exactly the type of private competition envisioned by the proposed legislation. The UEA proposal has been a "guinea pig" for zeroing-in on the privatization concept. I know that your early look at the first of what is surely to be a large number of "private uranium enrichers," has given you a full understanding of the implications for our nation's future supply of this fuel and just exactly what may or may not be needed from the Government in order to get the enrichment problem out of the taxpayer's pocket and into the private marketplace.

The UEA decision to locate its proposed plant in Alabama was made after a thorough search of the United States for the best site for its type of plant. This search was described in the Phase III Hearings before this Committee. I am pleased that Alabama was selected and I have a few comments on the potential impact on our State should the UEA proposal be accepted and located accordingly.

The enrichment plant construction will require large amounts of skilled labor, abundant natural resources, good weather and physical/site conditions. The necessary resources are available in the region selected. We encourage industrial development in Alabama which will bring no harm to our environment and will provide good jobs and improve our economy. We feel that such a plant falls in this category.

Skilled manpower and the ability to manage large construction projects will be available for an enrichment project, as evidenced by the present construction by private enterprise of a large, two-unit, nuclear power plant in the same country. I can assure you that the people and resources of the State of Alabama will be an asset toward the successful, on time, completion and operation of a nuclear enrichment facility in our State. UEA has been working closely with the Alabama Power Company regarding the necessary power supply for an enrichment plant which will be made speedily once the Congress and the Administration make the critical decision with respect to the Nuclear Fuel Assurance Act.

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—BLACK LUNG BILL

Mr. ROBERT C. BYRD. Mr. President, I have been able to work out what I hope

is an agreement that will be acceptable to all parties. I have not been able to contact all Senators, of course, but this agreement would be acceptable to Senator RANDOLPH and I believe Senator WILLIAMS, the chairman of the Committee on Labor and Public Welfare; to Senator LONG, the chairman of the Committee on Finance, and to others.

I have discussed it with the distinguished Senator from Alabama (Mr. ALLEN), and he is willing to accept the agreement. As a matter of fact, he is as interested in the legislation as I am. He can speak for himself in a moment, if he reserves the right to object.

In any event, the agreement has been cleared with those Senators, and it would be as follows:

That at such time as the black lung benefit payment bill is made the business before the Senate—obviously, that cannot be made the business before the Senate as long as the pending measure is before the Senate, on which cloture has been invoked, except by unanimous consent—but at such time as that measure is before the Senate for consideration, there would be a time limit on the bill of 1 hour, to be equally divided between the majority leader or his designee and the minority leader or his designee; that there be a time limit on any amendments thereto of 1 hour, to be equally divided in accordance with the usual form; that there be a time limit on any debatable motion or appeal or point of order, if such is submitted to the Senate for its consideration and discussion, of 20 minutes; and that the agreement be in the usual form.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, I appreciate the distinguished assistant majority leader making this request, and I certainly hope that it will be acceded to.

I believe this is one of the most important bills remaining on the calendar. It is a bill that does justice to miners throughout the country. We have a large number of miners in my State, and we all recognize the importance of the coal mining industry. It is one of the best prospects we have of solving our energy problem.

We certainly need this equitable bill, and I am delighted that we would temporarily leave the present bill, the lawyers bill, and take up this bill.

Mr. BAKER. Mr. President, reserving the right to object, I must say that, so far as the Senator from Tennessee is concerned, I am entirely sympathetic to the request.

Much good work has gone into this bill, and there is a grave need to be taken into account with respect to many people in my State and other regions of the country who suffer from black lung.

However, reluctantly, I must say that I have requests from Senators on this side of the aisle to enter an objection. Therefore, at this time, at their request, I do object.

CIVIL RIGHTS ATTORNEYS' FEES AWARDS ACT

The PRESIDING OFFICER. The clerk will report the unfinished business.

The assistant legislative clerk read as follows:

A bill (S. 2278) relating to the Civil Rights Attorneys' Fee Awards Act of 1975.

Mr. WILLIAM L. SCOTT. Mr. President, I have an amendment at the desk and of course have 1 hour to debate this matter, as each Senator has. However, I am not going to present my amendment or talk for an hour.

I am concerned about this bill. I do not consider it a good bill, and I voted against cloture. But I am more concerned about the future of the Senate and about the action that we have taken on the floor of the Senate that has promoted perhaps a little stiffening on each side.

The distinguished Senator from West Virginia, the acting majority leader (Mr. ROBERT C. BYRD) has presented his position in a very able manner. It has been diametrically opposed by the distinguished Senator from Alabama (Mr. ALLEN).

I hear from among my colleagues suggestions that sometime in the future we may make it easier to impose cloture, that we may make cloture more meaningful, so that after cloture is imposed, we would not have any extended period of time in which to debate an issue.

I hope that some middle ground can be found, because I hear people on the other side indicate that if the rules are strengthened, that if they are made more strict, they are going to object to all unanimous-consent requests.

I believe the distinguished Senator from West Virginia, the acting majority leader (Mr. ROBERT C. BYRD), well knows that there is some innovation that can arise; that, regardless of the rules, Members of the Senate can find a way to have extended debate.

We have conflicts with our committees meeting from time to time. Sometimes we are not able to meet because of extended debate on the floor of the Senate.

Mr. President, I understand that we have a committee which is considering possible changes in the Senate rules so that we might meet in our committees in the morning and then the full Senate meet in the afternoon or evening. I do not make any comment as to the desirability of bringing that about. It may be, in part, the answer. However, I think we might also consider whether we could have our committees meet one day and have the Senate meet on the following day, alternating between the committee sessions and floor consideration. It seems to me that each Senator ought to find some way in which he could present his views to the full Senate and have them be given some consideration.

Oftentimes, under the procedure that we have, a given Senator talks to an empty Chamber and the views that he expresses on a bill or an amendment which he offers are not heard by very many Members of this body. A Senator might have a good idea, and it might be well for his colleagues to hear his arguments.

In my opinion, we ought to find some way so that we can maintain a quorum on the floor of the Senate. Some time ago during the consideration of the tax bill, as I recall, an effort was made to get the differing sides together for a limited discussion of around 10 minutes on the key issues in controversy with many of the Senators in the Chamber to hear the debate. That seemed to work out fairly well.

The entire gist of what I am saying is that we ought not to go to extremes on both sides so that those who believe in unlimited debate will abuse the privileges and those who feel that they have a responsible position in the leadership, perhaps in the majority party, wanting to get substantial legislation passed, go to the other extreme. It was illustrated yesterday, when a Member did not feel that he was being recognized, and had to shout several times, "A point of order." He was ignored by the Presiding Officer. I do not believe we ought to have to resort to such things as that.

The thrust of my argument is that we should try to find some common ground so each Senator can be heard on any issue in which he is interested for a reasonable period of time and there would be some people here, on the floor of the Senate, to hear what he has to say. In this way we would not have to take the extreme measures of having a series of time-consuming quorum calls, and could avoid any feeling that a given Senator is not being shown the courtesy that he should receive while still providing him an opportunity to present his views.

Once again, Mr. President, I do not intend to offer the amendment pending at the desk. I have material that I had previously prepared which could take around 2 hours to discuss. I was going to offer an amendment that, although it could be germane, seemed to relate more directly to the busing issue than it did to the attorneys' bill. I think it is perhaps under the same section of the code and might therefore be germane. But I raise this general question for the consideration of the distinguished Senator from Alabama (Mr. ALLEN) who may be the champion of the conservative cause here in this body, and our distinguished acting majority leader, the Senator from West Virginia (Mr. ROBERT C. BYRD). I believe that, somehow, we have to find a common meeting ground to which all of us can come and quit some of the bickering that has been evident on the floor of the Senate.

Mr. President, I yield the floor.

Mr. ALLEN. Mr. President.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Alabama is recognized.

Mr. ALLEN. I commend the distinguished Senator from Virginia for his very wise words and for the suggestions he has made for the improvement of the

procedure in the Senate and the need to guarantee to each Senator the right to be heard and the right to be recognized on the floor for any action he might choose to call for, consistent with the Senate Rules. I appreciate very much his comments on that matter and his comments on the lawyers' bill.

TIME-LIMITATION AGREEMENT

HOUSE JOINT RESOLUTION 1096

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that at such time as the supplemental appropriations bill is called up and made the pending business before the Senate there be a time limitation—this has been cleared with Mr. McCLELLAN, the chairman, and with the ranking minority member, Mr. YOUNG, and with others on the Appropriations Committee on both sides—on the bill of 2 hours to be equally divided between Mr. McCLELLAN and Mr. YOUNG; that there be a time limitation on any amendment thereto of 30 minutes; that there be a time limitation on any debatable motion, appeal or point of order that is submitted to the Senate for discussion of 20 minutes; and that the agreement with respect to the control and division of time be in the usual form.

Mr. ALLEN. Reserving the right to object—and I shall not object—this bill is typical of the bills that must pass the Senate before we adjourn. I have contended all along in connection with debate on this lawyers bill that we have before us that there are so many more important issues before the Senate, before the Congress, and before the country, than this lawyers bill that I am delighted to see the leadership, in effect, temporarily laying aside the lawyers bill in order to get to more important matters. I am delighted to cooperate with the leadership in this matter, and certainly I have no objection to the consideration of this supplemental appropriation bill.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, I would like to recite that since the bill will be open to amendment, the agreement provides for 2 hours debate on the bill itself, general debate, it should be understood that that time can be allocated by the managers on either side to particular amendments in the event there is an additional time required. The amendments, of course, under the rules, would have to be germane.

It had been my hope, I would say, that perhaps we could have had an agreement cutting off amendments, but I understand that is not the case.

Mr. YOUNG. Well, I may say there was hope expressed by Chairman McCLELLAN when the bill was marked up in the committee that there would not be amendments, that it not become a "Christmas tree" bill.

The provisions in the bill are now mostly mandatory like paying $200 million as a result of the damages of the Teton Dam failure, the typhoon in Guam, and just things like that.

The total bill is only about $365 million, which is very small for a supplemental bill, so we hope if there are any amendments there would be very few and, hopefully, none.

Mr. GRIFFIN. I wonder if the Senator believes 2 hours on the bill are enough and whether we should provide more than that under the circumstances not knowing what amendments will be offered?

Mr. YOUNG. I personally think 2 hours would be sufficient, but I leave that to the chairman of the committee.

Mr. GRIFFIN. I would hope and expect the leadership on both sides will discourage Senators from turning this bill into a "Christmas tree" bill. In the past that has been done, and it has been effective, and I hope that will not be the case in this situation.

The PRESIDING OFFICER (Mr. BURDICK). Is there objection? The Chair hears none, and it is so ordered.

The text of the unanimous-consent agreement is as follows:

Ordered, That during the consideration of H.J. Res. 1096 (Order No. 1235), Resolution making supplemental appropriations for the Department of Defense for the repair and replacement of facilities on Guam damaged or destroyed by Typhoon Pamela, and for other purposes, debate on any amendment shall be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution, and that debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate shall be limited to 20 minutes, to be equally divided and controlled by the mover of such and the manager of the resolution: *Provided,* That in the event the manager of the resolution is in favor of any such amendment, motion, appeal, or point of order, the time in opposition thereto shall be controlled by the Minority Leader or his designee.

Ordered further, That on the question of agreeing to the said resolution, debate shall be limited to 2 hours, to be equally divided and controlled, respectively, by the Senator from Arkansas (Mr. McCLELLAN) and the Senator from North Dakota (Mr. YOUNG): *Provided,* That the said Senators, or either of them, may, from the time under their control on the passage of the said resolution, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Mr. ROBERT C. BYRD. Mr. President, I would share that hope. The target date for adjournment is October 2, hopefully October 1. The supplemental appropriations bill is a bill that must pass before Congress adjourns. We may have to come along with a continuing resolution instead, if we have to, and if we have to have both, it is my understanding we would have both.

It would be my hope there would be no amendments to the bill. I have an amendment I would like to offer. I offered an amendment to the District of Columbia appropriations bill recently which, I thought, was a very meritorious amendment. It was rejected in the conference with the House. I think it would have been very beneficial to the District of Columbia, but it happened to be an amendment that was under the jurisdiction of the Interior Appropriations Subcommittee. I chair that subcommittee at the present time. At the time the measure was before my subcommittee, the matter had not ripened to the point that it was ready, and so as the District of Columbia appropriation bill came along I offered the amendment in conference, and it was rejected. I would love to propose this amendment to this bill but, in so doing, I think I would jeopardize our chances of meeting our adjournment date, so I join in the wishes of the chairman and the assistant Republican leader.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. Mr. President, the imposition of cloture from time to time is rushed into by the Senate, and it puts those who oppose legislation at a disadvantage. But, at the same time, I must say, Mr. President, the imposition of cloture and the procedure that follows the imposition of cloture can sometimes be highly constructive and can operate in the best interests of the country.

We see here examples of that in that it causes the Senate to be more selective in its choice of measures that are allowed to be brought up, and it prevents passage of measures in short order that have vast implications. But it would not be too bad in some respects—I would not be in favor of it, but it would not be too bad in some respects—to have the Senate operate under perpetual cloture. I think it might be very good in some ways in that it would hold down the number of bills that pass and would make the Senate much more selective in the bills they do pass.

REPORTS OF COMMITTEES

S. 2228

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the conference report on the Public Works and Economic Development Act may be filed. It is at the desk. I ask unanimous consent that it be allowed to come in.

Mr. ALLEN. Brought up.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Reserving the right to object, the Senator has not finished his request.

Mr. ROBERT C. BYRD. No, I am not through.

H.R. 13555

Mr. President, I ask unanimous consent that the committee report on the black lung bill be allowed to come in today. It is my understanding that the Finance Committee is acting under an order that it report that bill to the Senate today.

HOUSE JOINT RESOLUTION 1096

Mr. President, I ask unanimous consent that the committee report on the supplemental appropriation bill, when ready, be allowed to come in. That is as far as I will go with this request.

Mr. ALLEN. Reserving the right to object, and I shall not object, I commend

the distinguished majority leader for bringing up these matters. Certainly I would favor both measures. Certainly I want to expedite the passage of both measures, and I am delighted to join in the request.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

CIVIL RIGHTS ATTORNEYS' FEES AWARDS ACT

The Senate continued with the consideration of the bill (S. 2278) relating to the Civil Rights Attorneys' Fees Awards Act of 1975.

AMENDMENT NO. 2388

Mr. ALLEN. Mr. President, I call up an amendment and I would like to have it stated so that we would not be voting on the pending substitute.

I call up and ask that the following amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Alabama (Mr. ALLEN) proposes amendment No. 2388: On page 1, line 9, strike the word "costs'." and substitute in lieu thereof the following: "costs, but in no event shall any court of the United States order or otherwise require any officer of the United States or any State or local public official to pay to a prevailing party a reasonable attorney's fee as part of the costs except in the event such officer or State or local public official has acted in a contumacious or vexatious manner.".

UNANIMOUS-CONSENT AGREEMENT

S. 2228

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from West Virginia (Mr. RANDOLPH) be authorized to call up his conference report on S. 2228, and that there be a time limitation thereon of not to exceed 20 minutes, to be equally divided between Mr. RANDOLPH and Mr. BAKER.

Mr. BAKER. Mr. President, reserving the right to object, I take it this is the EDA conference report; is that correct?

Mr. ROBERT C. BYRD. Yes.

Mr. BAKER. We have no objection.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, will my distinguished senior colleague yield for a unanimous consent?

Mr. RANDOLPH. Yes, I am very happy to.

H.R. 15026

Mr. ROBERT C. BYRD. Mr. President, on H.R. 15026, a bill to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for elderly persons and handicapped persons, and for other purposes, which has been referred to a Senate committee, I ask unanimous consent that it be in order for the Senator from Tennessee now to move that the committee be discharged from further consideration of that bill so it will be at the desk, and that we have a time limitation on the bill of 20 minutes, with a time limitation of 10 minutes on each amendment, and a time limitation on any debatable motion or appeal of 10 minutes.

It is my understanding that the Senator has cleared this matter with Mr. CANNON. It is my understanding it has been cleared with the Budget Committee.

I think that pretty well explains it.

Mr. ALLEN. Mr. President, reserving the right to object, and I do not plan to object, I wonder if the distinguished Senator from Tennessee would briefly state what the bill does before we agree to bring it up.

Mr. BAKER. Mr. President, reserving the right to object, in answer to the query by the Senator from Alabama, this is a House-passed bill. When it originally came over from the House, Senator CANNON asked that it be held at the desk.

As I understand it, the distinguished Senator from Alabama objected to the bill being held at the desk and it was referred to the Commerce Committee.

The procedure we will follow here is, as outlined by the distinguished assistant majority leader, I will shortly ask unanimous consent that the Commerce Committee be discharged from further consideration and at the appropriate time the bill will be called up for immediate consideration.

This bill, which permits the CAB to approve reduced air fares on a standby basis for the elderly and handicapped, passed the House of Representatives on September 21, 1976.

Mr. ALLEN. This bill must have been part of a large group of bills. The Senator from Alabama has not been opposed to it.

Mr. BAKER. That is entirely correct. There was a long list that was asked to be held at the desk and this was one.

Mr. ALLEN. I felt a victim of guilt by association, more or less.

Mr. BAKER. But those of us who supported this measure and the amendments to it are grateful to the Senator from Alabama for the opportunity to consider it.

Mr. ALLEN. I have no objection.

Mr. BAKER. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of this bill and that the bill be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MAGNUSON. Reserving the right to object, do I understand this bill is in the Commerce Committee?

Mr. BAKER. I say to the chairman, it is.

Mr. President, this is the bill Senator CANNON had asked to be held at the desk. Objection was made to holding this bill at the desk and it automatically was referred to the Commerce Committee.

We conferred with Senator CANNON this morning and he indicated that he approves of this procedure to discharge the committee from further consideration.

I assumed the chairman of the subcommittee had discussed this matter with the distinguished chairman of the full committee.

Mr. MAGNUSON. I do not recall any discussion with me. As far as I am concerned, it may be perfectly all right. But again, what is the bill, what does the bill do?

Mr. BAKER. Mr. President, I am sorry the chairman was not consulted, but having talked to the distinguished Senator who is chairman of the subcommittee, I assumed that the bill had been cleared.

This bill was passed by the House of Representatives and provides the CAB with authority to approve reduced air fares for the elderly and the disabled.

Mr. MAGNUSON. It deals with aviation; that is how the Commerce Committee had jurisdiction.

Mr. BAKER. That is correct.

Mr. MAGNUSON. I have no objection.

Mr. BAKER. Mr. President, I renew my request that the Commerce Committee be discharged.

Mr. GRIFFIN. Mr. President, I do not intend to object, but I wonder, does this reduction of fare apply across the board or is it on a standby basis?

Mr. BAKER. Approval of reduced air fares would be within the discretion of the Civil Aeronautics Board and on a standby basis.

Mr. MAGNUSON. Will the Senator yield again?

Mr. BAKER. I am happy to do that.

Mr. MAGNUSON. As I understand it, checking again now with the number of the bill, the bill is permissive and allows the airlines to reduce the fares if they so wish; is that correct?

Mr. BAKER. That is correct.

Mr. MAGNUSON. It does not direct them to do it, but it is permissive.

Mr. BAKER. Fares may be reduced for the elderly and the handicapped under terms and conditions as the board may prescribe.

Mr. MAGNUSON. All right.

The PRESIDING OFFICER (Mr. DURKIN). Without objection, it is so ordered.

TIME NOT CHARGEABLE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent the time I am consuming now not be charged against the Senator from West Virginia (Mr. RANDOLPH) or the Senator from Tennessee (Mr. BAKER), and that it not be charged against my time under cloture.

I ask unanimous consent that no time be charged against any Senator under the cloture rule that has been utilized today in discussing these unanimous-consent requests.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME-LIMITATION AGREEMENT

H.R. 11455

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent—and this bill has been cleared on both sides—that at such time as H.R. 11455, the Indiana Dunes bill, is called up and made the business before the Senate, there be a 20-minute time limitation on the bill and a 10-minute time limitation on any amendment, debatable motion, or appeal, and that the agreement be in the usual form.

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not, but I would like to indicate for the RECORD that this is agreeable to the Senator from Arizona (Mr. FANNIN), the ranking member on the Republican side of the committee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I thank the Chair and I thank all Senators.

ORDER FOR CONSIDERATION OF H.R. 15026

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that upon the disposition of the pending conference report, the Senate proceed to the consideration of the bill H.R. 15026, to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for elderly persons and handicapped persons, and for other purposes, on which a time agreement has been entered, and on which both Mr. BAKER and Mr. CANNON have concurred as to the time limitation, and in connection with which, the chairman (Mr. MAGNUSON) a few minutes ago indicated his approval.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. I thank my colleague.

ORDER FOR CONSIDERATION OF H.R. 11455

Mr. ROBERT C. BYRD. I ask unanimous consent, Mr. President, that upon the disposition of the bill in which the Senator from Tennessee is interested, that the Senate proceed to the consideration of H.R. 11455, to amend the act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes, on which a time agreement has been entered today.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT—CONFERENCE REPORT

Mr. RANDOLPH. Mr. President, I submit a report of the committee of conference on S. 2228, and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. DURKIN). The report will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 2228) to amend the Public Works and Economic Development Act of 1965, as amended, to extend the authorization for a 3-year period, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the RECORD of September 23, 1976, beginning at page 32113.)

Mr. RANDOLPH. Mr. President, I thank the acting majority leader and Members of the Senate for their cooperation in arranging the schedule so that this important conference report extending the Public Works and Economic Development Act can be considered in this body.

Mr. President, the Senate is considering today the conference report on S. 2228 which extends the Public Works and Economic Development Act for 3 years through fiscal year 1979. This bill was passed by the Senate on July 2 and a companion measure was passed by the House following the Labor Day recess.

The conference committee met on two occasions to resolve the differences between the two bills. The sessions were long and fruitful. Members from both the Senate and the House worked diligently for a bill which would continue this valuable program. The bill, as agreed on by the conference, provides authorizations for a program which addresses the economic development needs of rural and urban areas. Funding is established at $1.395 billion for fiscal year 1977 and $1.650 billion for fiscal years 1978 and 1979.

The authorizations for fiscal years 1978 and 1979 contain $250 million each year for the programs of the title V regional commissions established under title V of the Public Works and Economic Development Act. These programs were, earlier in this Congress, extended through fiscal year 1977. The new program authorities provided in the Regional Development Act of 1976 for the title V commissions are continued by this measure.

The legislation agreed upon is constructive and helpful in solving the economic problems faced by the areas of the country suffering from unemployment or economic distress.

The program which this measure continues grew out of an awareness that all parts of the country were not equipped to share the general economic prosperity enjoyed by the Nation. This program, therefore, was designed to assist communities to build a sound base for the development of stable and diversified economic growth. To achieve this goal, construction of primary public works type facilities which are beyond the financial capabilities of some communities are contemplated. This program provides Federal funding to help such communities build needed public works facilities.

The intent of this program is not antirecessionary but, rather, one designed for long-term economic growth. Even though there are provisions of this program which help to soften cyclical problems, the basic thrust is long-term economic growth and development. The act has been strengthened several times since first enacted in 1965 and has been generally successful in addressing economic problems. It has made communities better places to live and created new jobs.

The Nation has recently undergone a serious economic crisis and additional cities have developed problems requiring economic development assistance. To address this problem, the conferees agreed on a new community redevelopment loan program. This new program allows a redevelopment area to submit a plan which, if approved by the Secretary of Commerce, can be the basis for obtaining an interest-free redevelopment loan. Such loan is then reloaned to communities within the area for uses which provide substantial redevelopment opportunities in the area. It was, I believe, the intention of the Senate conferees that an eligible applicant for such loan be an economic development district, city or other political subdivision of a State, or a group of such political subdivisions. Since the purpose of this loan is urban redevelopment, the conferees believe these groups are best able to administer the loan program in a manner which will achieve the desired result.

The conference committee recognized the great need for these programs in urban areas smaller than 250,000. Therefore, the eligibility criteria was amended to provide that cities of over 25,000 would be eligible for assistance under the act. Because of this expanded eligibility, the authorization for title I was increased to $425 million. This would provide a sufficient base to carry on the program without diluting the funding in rural areas of the Nation.

The conference committee also adopted the Senate provisions for a standby job opportunities program. This provision is recognition that the act should contain a means of creating jobs when a recession occurs. Appropriations under this title would only be made when unemployment exceeds 7 percent for any calendar quarter. Funds would not be appropriated for any period when unemployment is below 7 percent.

The inclusion of this authority in the act will insure a mechanism for providing jobs swiftly when the need arises. However, it should be clearly understood that serious and substantial unemployment must exist before this program is to be implemented by the Secretary.

I commend the conferees from both the Senate and the House for their efforts in working to bring forth this important legislation. I wish to particularly thank the Senate conferees, Senator MONTOYA, Chairman of the Economic Development Subcommittee, Senator MUSKIE, Senator MCCLURE, and Senator BAKER for their assistance in resolving these issues of the conference.

The 3-year extension of this economic development program approved by the conference will assist all areas in meeting their development needs. A measure of stability is also provided for the effi-

cient operation of the program over the next 3 years. I urge the adoption of this conference report.

Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the Senator from New Mexico (Mr. MONTOYA).

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY MR. MONTOYA

This conference report on S. 2228 extends for three years the programs of the Economic Development Administration and the title V regional commissions.

The Administration requested a three-year extension. As chairman of the Subcommittee on Economic Development, I was surprised and pleased by this kind of agreeableness after many years of hostility toward these programs.

The bills passed by the Senate and House were in basic agreement on the period of the extension, but significant differences arose over the extent to which new areas, particularly cities, should be eligible for the programs.

The conferees are to be congratulated. After a good deal of giving on both sides, we have a bill that strengthens the Act. Both Houses believed it was important to increase the authorizations in the public works grant program from the present $250 million to $425 million and in the business loan and guarantee programs from the present authorization of $75 million to $325 million, an overall increase of $425 million in annual authorization.

The House bill provided a new program for cities, with a special designation and a special authorization. The Senate conferees believed this was a too radical departure from the existing programs. The compromise provides additional flexibility for EDA to promote assistance, particularly for cities suffering long-term economic deterioration.

The provision adopted provides loans to redevelopment areas to be reloaned for redevelopment purposes. When these loans are repaid they may go into a revolving fund of the applicant's creation for reloaning. This is an innovation in this program. I do not believe we have been entirely clear in the legislative history on who the eligible applicants for these loans may be. For now we shall be content to monitor EDA's guidelines and regulations based on their considerable experience. If changes are needed, we will consider amendments next year.

A further significant amendment lowers the eligibility threshold for cities from 250,000 to 25,000. This will undoubtedly increase the number of cities eligible for this program. We hope it will reach those places that have sufficient unemployment that have not been able to secure designation as part of a larger area such as a county or labor market area. Once again we shall monitor the affect of the amendment closely.

Finally, the Conferees have agreed to retain my Job Opportunities Program amendment, sometimes called Title X. This program was enacted in late 1974, authorizing $500 million for the 1975 calendar year for short term jobs on projects that could be completed in 12 months. Early returns on this program suggest it has been successful. Cost per job in Federal dollars is below $10,000. EDA estimates that 100,000 jobs were created through this program.

What the reauthorization of title X does is to provide a standby authority during times of high unemployment—7 percent or more nationally—to create new short-term jobs through an expansion of existing Federal programs. Slightly more than $81 million is authorized on a quarterly basis, with a maximum annual authorization of $325 million. My amendment adopted in the Senate authorized $500 million, but it became necessary to trim $175 million for distribution among other titles. I hope this authority will be utilized to aid those without a job. This is still a recession. This 3-year standby antirecession program, though modest in scope, can provide 65,000 jobs each year that unemployment remains high.

There are a good many other changes in the act, mostly of a perfecting nature. In general, we have come up with a creditable package, and I hope and trust that President Ford will sign the bill into law.

I wish to express my gratitude to the Chairman of the Public Works Committee, Senator RANDOLPH, for his guidance and help with this legislation. Senator MCCLURE has been a steady, conscientious, and helpful subcommittee member on the minority side.

Mr. BAKER. Mr. President, how much time is allocated to the Senator from Tennessee?

The PRESIDING OFFICER. Ten minutes.

Mr. BAKER. Mr. President, I join in the statement of support of the distinguished chairman of the Public Works Committee regarding the conference report on S. 2228, the bill extending the Public Works and Economic Development Act for 3 additional years, through September 30, 1979.

Mr. President, I believe this is a good bill, continuing the basic programs of the EDA for 3 years. I commend the administration for, first, proposing a 3-year extension to restore stability to this program which has been subjected to a series of 1-year extensions in the past. It will enable EDA to go forward and perform its long-run mission without the uncertainty and disruptive influence occasioned by year-to-year authorizations. It will, I believe, enable EDA to pursue its role in meeting economic development needs carefully defined in kind and scope.

I also commend the leadership and support of the distinguished Senator from West Virginia for his assistance as well as his cooperation with the administration and its representatives in bringing forth this workable legislation that both the majority and the minority can support without reservation.

I would particularly pay respect to the distinguished junior Senator from Idaho (Mr. MCCLURE), who is the ranking minority member of the Subcommittee on Economic Development, for his contribution. We thank him for the great amount of time and effort that he has devoted to this legislation, and for his astute insights and significant contributions in general. In addition, I commend the conferees on the part of the House who worked in the spirit of compromise.

The junior Senator from Idaho could not be present today. I ask unanimous consent that a statement by Mr. MCCLURE in support of the conference report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. BAKER. Mr. President, the junior Senator from Idaho (Mr. MCCLURE) and I submitted supplemental views in the Senate report on S. 2228, the Public Works and Economic Development Act of 1976. We stated that it would be, we believed, a disservice to the ongoing successful EDA program to establish an artificial and competitive separation of rural and urban areas, as proposed by some during Senate hearings and as contained in the House bill.

We were especially concerned that unless we are careful, the existing and useful program could be destroyed by charging it with a huge, undefined task beyond its capacity.

I am pleased that the conference agreement does not contain an artificial separation or new program that would be beyond the scope of the program or ability to deliver, and I wholeheartedly support adoption of the conference agreement. The conference report does not contain any provision specifically earmarked for urban economic development. Title II of the act is amended to provide a program of long-term loans to be available for the same purposes and under the same conditions as was provided in the House urban amendment except this loan program is available to all redevelopment areas and not restricted to urban areas alone. I believe this amendment to title II will alleviate the complex and difficult problems facing urban areas by providing funds to metropolitan areas within the framework of the basic purposes and strategies of the present act.

Mr. President, in the supplemental views the Senator from Idaho (Mr. MCCLURE) and myself also expressed concern about the tendency to expand authorizations beyond current levels, even though appropriations are substantially below the previously authorized amounts year after year. I point out to my colleagues that while adjustments were made among the various titles the total authorizations contained in the conference report does not exceed the total figure in the Senate-passed bill for fiscal year 1977 and are only slightly greater for fiscal years 1978 and 1979.

Mr. President, I support the conference report, recommend it to my colleagues and hope it will be enacted into law.

EXHIBIT 1

STATEMENT OF SENATOR MCCLURE

Mr. President, I join with the distinguished Chairman of the Public Works Committee and fellow conferee, Mr. Randolph, in recommending to the Senate the Conference Report extending the Public Works and Economic Development Act.

In July the Senate passed S. 2228, a bill extending the authorities of the Public Works and Economic Development Act for three additional years, through September 30, 1979. The bill passed by the Senate was essentially a straight extension of the purposes and authorities of the existing program. Recognizing the long term economic distress affecting many of our urban communities, the Senate bill earmarked funds for eligible urban areas, targeting aid to these communities of greatest distress. The bill attempted to respond to urban needs within the framework of the existing program.

The bill passed by the House included several amendments to the basic EDA program, including a special, separate program for urban areas. This last section was a controversial measure and the most pressing

issue facing the conference. I commend the House conferees for their efforts to resolve this section of the House bill in a way we all could support.

Instead of the special urban program, the conference agreement establishes authority for EDA to fund local revolving loan programs in any area eligible for assistance under the Act. This is a major new authority.

To apply for the new loan program authorized in Section 204, a redevelopment area must prepare a plan outlining the need for the loan fund and how it will be used. These plans should reflect other planning being carried out by the redevelopment area.

The agency now supports, through several sections of the Act, economic development planning at all levels of government. The plan required in Section 204 for receiving funds is not to replace other planning but should serve to support the goals and purposes of other economic development planning where it is appropriate and current.

Based on the plan and subject to its approval, the Secretary is authorized to make an interest free loan to redevelopment areas to be reloaned for economic development activities outlined in the plan. The repaid loans are to be placed in a revolving loan fund for reloaning for economic development purposes. Each of these loans would be subject to approval by the Secretary of Commerce. I believe the conferees intend that the initial loan would be made to the governing body of the area. The initial loan would not be made to a non-profit, private association or group. Once an area receiving the loan no longer meets the eligibility criteria of the Act, it would cease making loans under the program and funds would be returned to the Treasury.

The total authorizations of the Conference Report are $1.395 billion for fiscal year 1977 and $1.650 billion each for fiscal years 1978 and 1979. For the regular, ongoing programs of the Economic Development Administration, Titles I through IX of the Act, the Conference agreement authorizes $1.070 billion per year for fiscal years 1977, 1978 and 1979. For the Title X, Jobs Opportunities Program, a maximum of $325 million per fiscal year is authorized. The third authorization in the Conference agreement covers the programs of the Title V Regional Commissions which would be extended an additional two years by this legislation. A total of $250 million for fiscal year 1978 and fiscal year 1979 is provided for the established commissions and $5 million per year is authorized for new commissions.

One major item in conference concerned amendments to prohibitions in existing law relating to energy projects. The House bill proposed to delete all restrictions on EDA's participation in energy related projects. The Senate bill provided a limited exemption. I am glad the Conferees agreed to retain the prohibitions in existing law while providing a limited exemption.

Under the Conference agreement, before an energy project would be considered for funding, in addition to meeting the other requirements of the Act, the Secretary must make a finding that the project cannot be financed any other way. EDA would not make a wholesale move into the financing of energy projects but only as a last source of financing.

In addition to the Secretary's finding, the appropriate State or Federal regulatory body must make a finding that the facility will not compete with existing utilities or if there is a finding of competition, that the service cannot be met by the existing utility.

The House bill also proposed an amendment to the planning program established in Section 302 of the Act. I understand the new language was prompted by the lack of cooperative planning by some states with their political subdivisions as required under the Act. The Conferees agreed that it was the intent of the 1974 amendments creating the planning program to foster such cooperation, and that there was need to confirm and strengthen the intent of Congress on the need for cooperative planning among the levels of government. The Conferees, however, wanted to preserve the ability of each entity to address its own perceived problems and priorities and establish its own goals and objectives. The Conference agreement, I believe, achieves both goals—that of preserving the integrity of each entity while strengthening cooperation and interchange.

As agreed to by the Conferees, a state plan will, to the extent possible, be consistent with the goals and objectives of local planning. Where there are inconsistencies—and I expect there will be given the different perspective and programs of each level of government—the state must certify to the Secretary the inconsistencies and the reasons for them.

The process of requiring the State to show how and why the goals and objectives of its plan differ from that of local plans will foster more involvement and the working relation we envisioned in 1974.

During discussion of a proposal to add "long term deterioration" as a criteria for eligibility under the Act, the conferees agreed on the need to develop additional data and ways to measure the long term economic distress which the Act addresses. Historically, unemployment data has been the principal means of determining eligibility under the Act. The Conferees believed there are other factors such as low per capita income, decline in per capita employment, changing county business patterns, local tax effort, operating capacity ratio of industrial firms and the loss of industrial or commercial jobs which may better serve the purposes of the Act. The Secretary is directed to explore these and other possible factors to develop more meaningful measures of the long-term economic distress which this Act is designed to address.

Under the agreement reached by the Conferees, the Jobs Opportunities Program would be extended through 1979 but the annual authorization is reduced to $325 million per year from $500 million included in the Senate bill. As the funds would be made available on a quarterly basis, this means a maximum quarterly authorization of $81,250,000 when the national unemployment rate is above 7%.

The Jobs Opportunities Program extended by this legislation includes the amendments made by the Senate Public Works Committee in July of last year when it considered this program as part of the public works jobs legislation. The amendments were outlined in the Committee report on S. 1587.

Briefly, the amendments clarify and strengthen the original intent of the program. The amendments remove the Secretary of Labor from the selection process, streamline the selection criteria, and remove the restriction placed on half the appropriated funds. This last restriction has hampered, in some instances, the ability of the Secretary of Commerce to select the most job effective activities for support.

The language in the bill has also been amended to indicate that programs and projects originally sponsored by local communities or States meeting the criteria of the title receive priority consideration over wholly federally sponsored activities.

The title does not create an elaborate new program or new bureaucracy but is intended to use and strengthen ongoing programs which will create jobs. It was our thought in proposing this approach that the existing programs and expenditures of Government can be directed toward the creation of jobs more effectively if we create the means within the Department of Commerce to evaluate ongoing programs and expenditures to see which ones have the most direct and immediate effect upon the creation of job opportunities for the unemployed.

The significant feature of the program is the agency review conducted by the Secretary of Commerce. The Secretary is directed to consult and review with the various Federal agencies their proposed programs and project expenditures for the year to evaluate their job effectiveness and use in areas of high unemployment. Through the review, the best and least costly means of creating jobs for the unemployed can be promptly identified.

The special funds authorized in the bill are available for the purpose of creating, maintaining, or expanding job opportunities. Funds are available to move a program or project forward or to expand the number of jobs a particular activity could create.

Eligible activities are not limited to public works but include the wide range of activities carried out under Federal agencies including business development. Most important, the program could provide crucial funding to initiate, continue or accelerate job creating activities which would in turn provide immediate jobs. For example, funds may be used to purchase equipment necessary for expanding jobs. Funds are available to provide payrolls or salaries. All projects would be selected for their job effectiveness.

There are other amendments which I have not discussed in detail but which are explained in the statement of managers.

Mr. President, this agreement represents a compromise between the House and Senate bills and I wish to commend all the conferees—particularly the Chairman of the Conference, Mr. Roe—for their attention to the legislation and willingness to work together for a measure supported by both bodies. I note, particularly, the leadership and support of the distinguished Chairman of the Public Works Committee, (Mr. Randolph) who, has had to divide his time between the Senate and the hospital where his only nephew is gravely ill. During this period of personal sadness, he has neither faltered nor flagged in earnestly pursuing his duties to the conference, the Senate and the country.

PRIVILEGE OF THE FLOOR—H.R. 15026

I ask unanimous consent that Malcolm Sterrett, John Kirtland, Robert Ginther, and Ward White, members of the Commerce Committee staff, be accorded the privilege of the floor during the debate on the next ensuing measure, H.R. 15026.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAKER. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. ALLEN. Mr. President, the time has not expired.

Mr. BAKER. Mr. President, since the distinguished senior Senator from West Virginia (Mr. RANDOLPH) is not on the floor at this time, I suggest the absence of a quorum, to be charged against my time.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

The call of the roll was continued.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered.

Mr. RANDOLPH. Mr. President, is it proper for me to make a parliamentary inquiry at this point?

The PRESIDING OFFICER. The Senator will state it.

Mr. RANDOLPH. This is a rollcall vote, as I understand it, on the passage of the conference report on S. 2228, the Public Works and Economic Development Act extension; is that correct?

The PRESIDING OFFICER. The Senator is correct.

ORDER FOR THE YEAS AND NAYS ON H.R. 15026

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that it be in order—I understand that Senators will wish to have the yeas and nays on the next matter which will be disposed of under the unanimous-consent order heretofore entered—so I ask unanimous consent that it be in order to order the yeas and nays on the passage of H.R. 15026.

Mr. GRIFFIN. Mr. President, reserving the right to object, is that the air space-available bill?

The PRESIDING OFFICER. The Senator is correct. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Now, on behalf of the other Senators who wish to have a yea and nay vote on that measure, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

ORDER FOR THE YEAS AND NAYS ON H.R. 11455

Mr. BAYH. Mr. President, will the Senator from West Virginia yield for a question?

Mr. ROBERT C. BYRD. I yield for a question.

Mr. BAYH. I understand the Senator from Alabama also wants to have a rollcall vote on H.R. 11455, the Indiana Dunes bill.

Mr. ALLEN. I just mentioned that that was another number.

Mr. BAYH. The Senator from Alabama said he wanted to register strong support for it. I ask unanimous consent, if I may, that we may ask for the yeas and nays on that measure.

Mr. ROBERT C. BYRD. That it be in order.

Mr. BAYH. That it be in order to order the yeas and nays on H.R. 11455.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BAYH. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS) and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Pennsylvania (Mr. SCHWEIKER), the Senator from Virginia (Mr. WILLIAM L. SCOTT), the Senator from Vermont (Mr. STAFFORD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 70, nays 2, as follows:

[Rollcall Vote No. 644 Leg.]

YEAS—70

Allen	Goldwater	Nelson
Baker	Gravel	Nunn
Bartlett	Griffin	Packwood
Bayh	Hansen	Pastore
Biden	Hart, Gary	Pearson
Brooke	Hathaway	Pell
Bumpers	Hollings	Percy
Burdick	Hruska	Randolph
Byrd, Harry F., Jr.	Humphrey	Ribicoff
	Inouye	Roth
Byrd, Robert C.	Jackson	Scott, Hugh
Cannon	Javits	Sparkman
Case	Johnston	Stennis
Church	Kennedy	Stevens
Clark	Laxalt	Stevenson
Culver	Leahy	Stone
Curtis	Long	Symington
Durkin	Magnuson	Talmadge
Eagleton	Mathias	Thurmond
Eastland	McClellan	Tower
Fannin	McGovern	Weicker
Fong	McIntyre	Williams
Ford	Morgan	Young
Garn	Muskie	

NAYS—2

Helms	Proxmire

NOT VOTING—28

Abourezk	Glenn	Mondale
Beall	Hart, Philip A.	Montoya
Bellmon	Hartke	Moss
Bentsen	Haskell	Schweiker
Brock	Hatfield	Scott, William L.
Buckley	Huddleston	
Chiles	Mansfield	Stafford
Cranston	McClure	Taft
Dole	McGee	Tunney
Domenici	Metcalf	

So the conference report was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. HELMS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AIR FARE REDUCTION FOR ELDERLY AND HANDICAPPED

The PRESIDING OFFICER. According to the previous order, the Senate will proceed to the consideration of H.R. 15026, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 15026) to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for elderly persons and handicapped persons, and for other purposes.

Mr. CANNON. Mr. President, the purpose of this bill is to authorize the Nation's airlines to offer reduced rate airline fares to the elderly and the handicapped. This is legislation which the Senate, on two past occasions, has passed, but it has died in the House. I am pleased that my colleagues in the House have now acted on this worthy issue and have sent to us a bill providing such authority.

I stress to my colleagues that the authority contained in this bill is permissive only. It does not require any airline to offer discounts to senior citizens or the handicapped, it simply allows them to do so if they wish. Under present law and CAB regulation, the air carriers are forbidden to offer such discounts.

I need not remind my colleagues that the elderly and the handicapped are, in many instances, denied the benefits of our Nation's fine air transportation system because of its costs. Some airlines have indicated that they would, if permitted, offer discounts to these citizens on a space-available basis. This I believe they should be permitted to do.

For these reasons, I strongly support the major provisions of this bill and urge my colleagues to give it their support as well.

Mr. President, the House has attached a nongermane amendment to this legislation which would have the effect of undoing present law requiring the Department of Defense to contract with certificated carriers, if they are ready and willing, to carry the air transport needs of the Department. This amendment is quite controversial, it has not had hearings in either House and it would reverse longstanding DOD and congressional policy which mandates the DOD use of certificated airlines in meeting DOD's air transport needs. As my colleagues are aware, the certificated airlines have placed their aircraft fleets at the disposal of the Government in the event of war or national emergency and in return for this commitment to serve the Nation's needs in an emergency, they are entitled to carry DOD's civilian air transport requirements.

UP AMENDMENT NO. 480

Mr. CANNON. Mr. President, I send to the desk an amendment which would

delete this section from the bill and urge its adoption.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from Nevada (Mr. CANNON) proposes unprinted amendment No. 480:

Delete sec. 3.

Mr. CANNON. Mr. President, that amendment does precisely what I said it does. It strikes out the language added by the House, which would change the longstanding DOD policy and which the Senate has already acted on in the Aviation Act.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. HELMS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. Have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. Only on the bill.

The amendment was agreed to.

UP AMENDMENT NO. 481

Mr. CANNON. I send to the desk a second amendment and ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk proceeded to read the amendment.

Mr. CANNON. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add a new section 3 to the bill as follows:

"SEC. 3. Section 401(d)(3) of the Federal Aviation Act of 1938, as amended, 49 U.S.C. 1371, is further amended to read as follows:

"'(3) In the case of an application for a certificate to engage in supplemental air transportation, the Board may issue a certificate, authorizing the whole or any part thereof, and for such periods, as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act, and the rules, regulations, and requirements of the Board hereunder. Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be limited to supplemental air transportation as defined in this Act.'"

Mr. CANNON. This amendment amends section 401 of the Federal Aviation Act to make clear that supplemental airlines—or charter airlines as they are sometimes called—are not prohibited, by law, from seeking certificates to engage in scheduled air transportation.

In the past several months, my Subcommittee on Aviation has conducted extensive hearings on regulatory reform in air transportation. The administration, the Civil Aeronautics Board, and many in Congress are convinced that present airline regulation is badly outdated and in need of major change.

Particularly in the area of encouraging new and additional competition in the airline industry, we find widespread support for ending the closed-door airline system that has existed for many years. I strongly believe that new entrants should be encouraged to enter the business to provide innovative services, and existing airlines should consider new service alternatives.

In that regard, the Civil Aeronautics Board recently ruled, in an application filed by World Airways for a low-cost transcontinental air service, that the Federal Aviation Act prohibits a supplemental airline from applying for a scheduled route certificate. This bill will eliminate that legal prohibition.

The sole purpose of the proposed amendment to section 401(d)(3) is to permit the Civil Aeronautics Board to hear such cases and to grant dual certificates, if it finds that the other statutory requirements are met. It would not require the Board to grant the application of World or any other applicant, any more than the present law requires that applications for certificates of public convenience and necessity be granted. The burden, as always, would be on the applicant to prove that its proposed air transportation is in "the public convenience and necessity" and that it is "fit, willing and able" to perform such transportation.

The issue of dual certification needs attention immediately. The matter has been extensively covered in our hearings and a strong record exists indicating there is no merit in a statutory provision automatically eliminating any applicant from entering the scheduled airline business.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. MAGNUSON. Mr. President, I wonder if the President would allow me to ask a question of the Senator from Nevada?

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. MAGNUSON. As I understand it, this amendment is permissive only to the extent that the CAB must hear a case and make a determination themselves.

Mr. CANNON. The Senator is correct. The Board earlier said that they did not have the legal authority to consider those matters and this would simply give the Board the authority. It is permissive in nature. Then they must determine if the applicant should be heard.

Mr. MAGNUSON. In other words, it allows the Board to take a look at it.

Mr. CANNON. The Senator is correct.

Mr. President, I yield the floor.

The amendment was agreed to.

UP AMENDMENT NO. 482

Mr. BAKER. Mr. President, I have an amendment and I ask the clerk to report.

The PRESIDING OFFICER. The clerk will report the amendment.

The second assistant legislative clerk read as follows:

The Senator from Tennessee (Mr. BAKER) proposes unprinted amendment No. 482.

Mr. BAKER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill insert a new section as follows:

SEC. 4. (a) Section 416(b)(1) of the Federal Aviation Act of 1958 is amended by adding a colon and the following before the period at the end thereof: *"Provided, however,* That nothing in this section shall prevent the Board from granting an exemption from the requirements of section 401 so as to authorize the conduct of all-cargo air transportation in interstate air transportation, pending consideration of an application for initial certification pursuant to such section 401, if the Board finds that the issuance of such exemption is in the public interest".

(b) Section 101 of such Act is amended by renumbering paragraphs (11) through (38) thereof as paragraphs (12) through (39) and by inserting after paragraph (10) the following new paragraph:

"(11) 'All-cargo air transportation' means air transportation of property, or of property and mail, only.".

Mr. BAKER. Mr. President, on July 21, 1976, I introduced for myself, Senator BROCK, and Senator DURKIN, S. 3684, a bill to amend the Federal Aviation Act of 1958, as amended, to broaden the power of the Civil Aeronautics Board to grant relief by exemption in certain cases, and for other purposes.

On August 3, 1976, the Aviation Subcommittee of the Senate Committee on Commerce, held a public hearing on S. 3684. The testimony given at that hearing indicates that there is substantial support for enactment of an amended version of this legislation. However, because of difficulties encountered in scheduling an executive session of the Commerce Committee to consider this bill, today I intend to offer an amendment to H.R. 15026, as amended. It is a procedure, of course, which we have discussed with the leadership on both sides of the committee, the majority and the minority leadership of the Senate.

Briefly stated, the bill as introduced would amend the Civil Aeronautics Board's exemption authority pursuant to section 416(b) of the Federal Aviation Act of 1958, so as to enable the Board to grant exemptions for all-cargo operations in interstate air transportation pending a final determination on a carrier's application for initial certification. The test that would be applied would be whether the grant of an exemption would be consistent with the public interest.

Mr. President, we are all aware of the various proposals to reform or modify air transport regulation, one of which was proposed by the Subcommittee Chairman, The recent Aviation Subcommittee hearings held on several of these proposals revealed that the regulation and promotion of all-cargo service has been a dismal failure. There is ample evidence that a combination of inappropriate regulation and carrier neglect have significantly thwarted the growth and development of the all-cargo industry. Such circumstances are particularly regrettable in light of the vital and unique role which that service provides for the Nation's economy.

The Board's ability to improve this unfortunate state of affairs has been hampered by a statutory limitation upon the Board's authority to grant exemptions. The essence of S. 3684 is to provide

a solution to the anomaly created by a statutory exemption power with inadequate discretion or legal authority to avoid unintended and undesirable results adverse to the very public interest which the Board is bound to promote.

I want to emphasize that this amendment is not intended to deregulate the all-cargo segment of the air transport industry. Rather, it is designed to give the Board more discretion to grant interim relief. I would also point out that the Board possesses adequate authority to condition such exemption authority with respect to, for example, aircraft type, payload capacity, markets, and other reasonable conditions which the Board may deem appropriate under specific facts. I would expect the Board to exercise sound discretion in the public interest.

Mr. President, in the hearing on this bill the Chairman of the Civil Aeronautics Board testified that, and I quote:

> The Board is sympathetic to innovative proposals. But we find ourselves handcuffed by the restrictive procedural and other requirements which the statute currently imposes. For this reason we support this legislation which woud expand the Board's powers to grant authority more easily in the all-cargo arena.

I, for one, am in favor of removing those regulatory handcuffs and I know many of my colleagues join me in that goal.

The modest expansion of the Board's exemption power as proposed in my amendment will enable the Board to act expeditiously to foster and promote needed all-cargo transportation services, whose development would be impeded or destroyed by delays inherent in the normal certification process.

For these reasons, Mr. President, I urge the Senate to approve this amendment.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. BAKER. I would be happy to yield to the distinguished chairman of the Commerce Committee.

Mr. MAGNUSON. As I understand it, this particular amendment—and I did hear some of the testimony—is permissive?

Mr. BAKER. The distinguished chairman is entirely correct. I reiterate that we are not mandating any result but rather granting permissive authority that the Board may or may not exercise.

Mr. MAGNUSON. Again this is for the Board to take a look at it and see what is in the public interest?

Mr. BAKER. That is entirely correct.

Mr. CANNON. Mr. President, will the Senator yield?

Mr. BAKER. I would be happy to yield to the chairman of the subcommittee.

Mr. CANNON. It is also the Senator's intention that this authority would not be used in such a fashion as to put by exemption an exempted carrier in competition with a certificated carrier where they are operating on a regulated route?

Mr. BAKER. That is entirely correct.

Mr. CANNON. I thank the Senator.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Tennessee.

The amendment was agreed to.

NOMINATION OF GEORGE F. MURPHY, JR.

Mr. PASTORE. Mr. President, with the permission of this body I rise to speak, as in executive session, on a matter that grieves me to no end because of the clandestine maneuver that has been applied.

The Joint Committee on Atomic Energy has before it the nomination of Mr. George Murphy, Jr., Democrat, from Newton, Mass., who has been a staff member of the Joint Committee on Atomic Energy for at least 18 years. As a matter of fact, he worked with me shoulder to shoulder at the time we were considering the Nuclear Test Ban Treaty. It was largely through his efforts and through his assiduous labors that we were able to put that treaty into shape. As a matter of fact, he stood on the floor when I rose up to advocate to this body that we approve the Nuclear Test Ban Treaty.

Then, again, I introduced a resolution of nonproliferation which led to the Nonproliferation Treaty. George Murphy worked on that again, as an American with a democratic background.

He performed so well that even the Republican members of that committee suggested to the President of the United States—I had nothing to do with it—that he be appointed to the Nuclear Regulatory Commission.

Yesterday we held hearings that lasted all morning and part of the afternoon. We are meeting in executive session on next Tuesday.

But, in the meantime, five of my dear friends and Democrats on this side of the aisle have taken it upon themselves, without consulting anybody on the committee—let me repeat, without consulting anybody on the committee—to put a hold on the nomination. Mind you, we have not even acted yet. There is a hold on the nomination of a Democrat by Democrats. I do not know what was the motivation behind it, but I have learned one lesson in this body—and this may be again one of my other valedictories—that there is a group of the supposed-to-be-reformers who pretend to speak for the people of the United States. They would not dare to run for public office. When they cannot get what they want from the Joint Committee on Atomic Energy, because we will not do it their way, they sneak around and either go to another committee or they talk to somebody else.

You have the Friends of the Earth—I do not know who they are—I came from the soil, and I do not know what earth they know of—and then you have the Nader crowd, never went out to earn a dime in their lives, to work for it, and now they are telling everybody else what should make America tick, and I have been working ever since I was 9 years old. When they stand up and tell me they are more interested in death and survival than PASTORE, they do not know what they are talking about. But I give them credit for their idealism.

So where do we stand now? We stand in a position where there is a hold by five Democrats on a Democratic appointment, without consulting the members of that committee, on a man who has worked with that committee for 18 years.

Tell me where the fairness is in that. Tell me. I do not care what you do with it because I am not going to be here next year and George Murphy will still be director of that committee. But I think it would be a loss to this Nation if they do not let a man of this knowledge and knowledgeability sit on the Nuclear Regulatory Commission.

STUART SYMINGTON is for him. CLIFFORD CASE is for him. PASTORE is for him. MONTOYA is for him. PEARSON is for him. HOWARD BAKER is for him. But five people who do not even know who he is, do not even know who he is and that his name is spelled M-u-r-p-h-y—Murphy—that is his name, have put a hold on him.

And what have I done for some of these objectors? I have stood on this floor and pulled the chestnuts out of the fire for them time and again.

And without even consulting me—and I wanted that courtesy—they have gone ahead and put a hold on this nomination.

All I am asking this Senate to do is to give this nomination a clear chance. All I am asking for is that we have a limitation of debate. Let us debate the nomination on this floor and let us do away with all the sneakeroos. That is all I am asking for.

If I am hurt, I am hurt, because I think this is an insult to that committee.

Where have we gone in this illustrious body, the greatest deliberative body in the world? What has become of us, that just somebody from downtown, who never suffered, never knew what it meant to earn a hard dollar, comes up here and says, "We don't like this guy, put a hold on him."

If that is America, that is not the America I know. It is not the way I have been brought up. It is not what that flag means to me. It is not what the Senate of the United States means to me.

I hope that these men will reconsider what they have done and at least give the committee a chance to vote it up or down before they try to kill it summarily.

Mr. ALLEN. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. ALLEN. I commend the distinguished Senator from Rhode Island for the statement he has made and the intensity of his feeling in this matter. I certainly appreciate and understand how he feels.

Earlier this week, I had the privilege, along with many other Senators, of telling how I felt about the distinguished Senator from Rhode Island (Mr. PASTORE). I was able, in all sincerity and with a clear conscience, to speak in glowing terms of my admiration for the distinguished Senator from Rhode Island.

I stated then that I regretted that he was leaving the U.S. Senate. Today, I find myself regretting even more that he is leaving the U.S. Senate because I find that he and I are getting closer together in our thinking about some of the issues confronting the country and some of the actions by some of the do-good agencies in this country.

I certainly recall the many occasions when the distinguished Senator, as he has stated, has pulled the chestnuts out of the fire for some of these very Senators who are placing a hold on this highly capable man.

I certainly want to assure the distinguished Senator from Rhode Island that I favor the confirmation of Mr. George Murphy.

I will certainly be agreeable to any time limit at any time on this appointment.

I feel that the distinguished Senator has been treated most shabbily and I state that the Senator from Alabama knows what it means to be treated shabbily.

Mr. PASTORE. Mr. President, I want to make my position clear. All I am asking for is that we have that clear chance of bringing that nomination out on the floor, if the committee so decides, and let us debate it. Do not kill it summarily.

You do not deal with human nature that way.

Mr. ALLEN. I certainly agree.

Mr. PASTORE. You do not crush a man that way.

I have never done it in my life and I do not like it when anybody else does it.

This man is a human being. He is a great guy. If he is not qualified, let the Senate say it. Let the Senate say it and do not let somebody on the outside that does not even know who he is or where he stands do it.

Mr. BAKER. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. BAKER. I have heard many speeches, many of them vibrant and tension-packed, by the distinguished Senator from Rhode Island, but I have never heard one in which the conviction of this man and his courage comes through more fervently and clearly than it did as the Senator from Rhode Island spoke just now.

It is a matter that deserves his enthusiasm and deserves the energy he brought to this presentation, this request to his colleagues in the Senate to permit us to act on this nomination of the President of the United States.

I join him in the present hope that our colleagues will permit us to act on this nomination.

Mr. President, I listened to the testimony given in opposition to George Murphy in the Joint Committee on Atomic Energy hearings and I was struck by many things.

I was struck by the allegation that this was a hasty maneuver, that the nomination came at the last minute.

It is not a hasty maneuver. I happen to know because I suggested the nomination to the President of the United States and I want the record to show that I suggested it before I ever mentioned it to JOHN PASTORE. And not because George Murphy is a Democrat. Certainly it is not even because he is staff director for the majority on the Joint Committee on Atomic Energy, but because I thought he was the best man for the job. I suggested him on May 2, 1976.

It was not a hasty matter. There was not any delay by JOHN PASTORE or HOWARD BAKER that brought these hearings on yesterday.

It was the calm, slow deliberations of the President of the United States, the White House, in deciding who was the best man or woman for this appointment.

There were many candidates for this job because it is an extraordinarily important, highly sensitive position, a commissioner of the Nuclear Regulatory Commission, which, in many ways, will have more to say about the future and the safety of nuclear power, not only in this country, but abroad, than many other citizens are privileged to have.

Something else occurred to me during those hearings on yesterday that I thought was important and which I was not able to say except briefly during the hearings and I want to reiterate it today.

It is an irony of sorts that those who say George Murphy cannot serve with impartiality on the Regulatory Commission because he has been staff director for the Joint Committee on Atomic Energy, because he has been in the field 18 years, because he knows the atomic energy so well, overlooked one salient factor I would also like to give particular witness to.

That is, when I first came to the Joint Committee on Atomic Energy, one of my great concerns was that the AEC, the old Atomic Energy Commission, had the dual role of permitting atomic power, on the one hand, and licensing and regulating it on the other.

The irony is that George Murphy was the staff man I turned to to help me formulate a suggestion, much of which was adopted by the administration, by the joint committee, and finally by the Congress, to separate those two.

Mr. PASTORE. Will the Senator yield?

Mr. BAKER. I am happy to.

Mr. PASTORE. If this were not so comical, it would really be tragic.

The presentation that was made was directed at the fact that because he was the director of the Joint Committee on Atomic Energy, he has been so close to the Congress that he could not exercise an impartial judgment.

So I said to the young man that appeared before that, "Let me ask you, sir, if the President of the United States saw fit to appoint JOHN PASTORE or HOWARD BAKER, two elected U.S. Senators, to be a member of the Nuclear Regulatory Commission, would you approve or disapprove?"

And he said, "I would disapprove."

And I said, "Why?"

He said, "Because you are of the establishment."

How far have we gone with nonsense? In other words, what they are doing is an insult to the Congress. It is an insult to themselves. Anybody who signed that letter is insulting himself, because the argument that is made here is, "If you are a Member of Congress, or if you work for a Senator, for some reason you do not belong. You do not belong."

That is the tragedy of it.

Let this pass by and when PASTORE picks up that newspaper back home in his rocking chair after January 1977 he is going to have a big laugh on you fellows because you have given away your birthright. That is what you are doing. Let us stop it.

Mr. DURKIN. Will the Senator yield?

Mr. PASTORE. I yield.

Mr. DURKIN. I signed that letter.

Mr. PASTORE. I know you did.

Mr. DURKIN. It was on behalf of myself and four or five others. It looked like a sweetheart deal. It looked like it was pulled off at the last moment of the session.

Mr. PASTORE. Why did you not come and ask me? You asked me when you had your contest to be elected to the Senate. You came to me then. Where are you now?

Mr. DURKIN. I think the record will show I did not come to you then.

Mr. PASTORE. Well, I do not know about the record. I am telling you right to your kisser.

Mr. DURKIN. Well, the Senator is free to use any language he wants. It looked like a sweetheart deal and the record will show——

Mr. PASTORE. What it may have looked like and what it is are two different things. If any intelligent man wants to know the facts he will go and find them. Why did you not ask me?

Mr. DURKIN. The only qualification you have is that he is a Democrat. We are not approving people here just because they are Democrats.

Mr. PASTORE. I did not say that. I said it was a disgrace that a qualified man should be held off only because he is a Democrat.

Mr. DURKIN. Are you saying we should approve everybody because he has a D. after his name?

Mr. PASTORE. No, I did not say that. Are you ashamed of being a Democrat? Who are you kidding?

I yield the floor.

Mr. MAGNUSON. Regular order.

AIR FARE REDUCTION FOR ELDERLY AND HANDICAPPED

The Senate continued with the consideration of the bill (H.R. 15026) to amend the Federal Aviation Act of 1958 to authorize reduced fare transpotration on a space-available basis for elderly persons and handicapped persons, and for other purposes.

The PRESIDING OFFICER. If there is no further amendment, third reading.

UP AMENDMENT NO. 483

Mr. TOWER. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Texas (Mr. TOWER), for himself and Mr. BENTSEN, proposes an unprinted amendment No. 483.

The assistant legislative clerk proceeded to read the amendment.

Mr. TOWER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 4, after line 2, add the following new section:

"SEC. 4. Section 406(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1376(b)) is

amended by adding at the end thereof the following new sentence: "In determining compensation for any local service air carrier for the year 1966 in accordance with the provisions of this subsection, the Board shall apply Local Service Class Subsidy Rate III–A as set forth in Board order E–23850 (44 CAB 637 et seq.), except that the Board shall not apply that part of such order which requires the Board to take into account any decrease in the Federal income tax liability of such carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954.".

(b) In the event that the Civil Aeronautics Board in determining the amount of compensation to be paid to any local service air carrier for the year 1966 in accordance with the provisions of section 406(b) of the Federal Aviation Act of 1958 took into account any decrease in the Federal income tax liability for such air carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954, the Board shall redetermine the compensation to be paid to such air carrier in accordance with such section 406 (b) as amended by this Act, and shall make payment to such air carrier of any amount owed to such carrier as provided in such redetermination.

Mr. TOWER. Mr. President, this amendment is identical to a bill approved by the House Committee on Public Works and Transportation. The companion measure in the House, H.R. 12349, is currently pending on the suspension calendar of that body. I understand it will be considered by the House next week.

The amendment would mandate a redetermination of the class subsidy rate paid for the year 1966 to local service air carriers pursuant to section 406 of the Federal Aviation Act. The compensation paid to local service carriers for that year was litigated in various U.S. Courts of Appeals with respect to the Federal tax liability owed by the carriers as that liability related to net operating loss carryback pursuant to section 172 of the Internal Revenue Code.

The net effect of the litigation was a difference in treatment of two local service carriers, compared to their competitors in the industry. Ozark and Texas International would, under this amendment, receive exactly the same treatment that the other nine local service carriers received in the determination of the subsidy level for the year 1966.

There would be no discrimination in favor of these two carriers; there would be no discrimination against them. The bill mandates a redetermination for the two carriers—a redetermination that the CAB apparently feels it cannot unilaterally initiate inasmuch as the subsidy level for that year is the subject of a "final order."

Mr. President, because the amendment establishes complete equity of treatment of a class of carriers, I urge its adoption.

Mr. CANNON. Mr. President, I would simply advise my colleague that this matter has not been considered by the committee. I have discussed it with the Senator. I am aware of what this amendment does. I thought I should, in fairness, point out that the matter has not been the subject of hearings in the Senate. I will ask that the Senate work its will as it sees fit.

Mr. TOWER. If the distinguished Senator from Nevada would yield, all this will do is give Texas International and Ozark exactly the same thing that the other local service carriers have. It is to correct an inequity. It had no opposition in the House. It is on the suspension calendar over there. It was supported largely, I think, by Congressman PICKLE and Congressman ICHORD. Senator BENTSEN cosponsors it with me here.

I am sure any States which are affected by service from Texas International or Ozark Airline would appreciate our acting on this amendment in a favorable way. As it is now, all other local service carriers are given an unfair competitive advantage over Texas International and Ozark. We are simply trying to redress this imbalance which resulted from some litigation. The fact that T.I. and Ozark went into one court room and the others went into another is about what it amounts to.

The CAB simply says it cannot, on its own initiative, redetermine the rate subsidy for these carriers and, therefore, this amendment is designed to clear it up. I wish the distinguished Senator from Nevada would reconsider on this.

Mr. CANNON. I say to my colleague, I am not opposing it. I am just advising the Senate that it has not been the subject of hearings. I first learned of it yesterday. I am certainly willing to take the Senator's statement as to what the circumstances are, but I did want my colleagues to know that we had not had hearings on the amendment in the Senate.

Mr. TOWER. I thank the Senator from Nevada.

Mr. MAGNUSON. Will the Senator yield?

Mr. TOWER. I yield.

Mr. MAGNUSON. Does this mandate the CAB to do something?

Mr. TOWER. Yes, it does.

Mr. MAGNUSON. If we start doing that around here on route matters on matters between two airlines we will not have time to do anything else. That was relegated to the CAB, to make these decisions.

Mr. TOWER. It does not really mandate it, but what it does is to make it possible for the CAB on its own initiative to equalize this rate structure that is now inequitable.

Mr. MAGNUSON. The point I make is why does not the Senator suggest that in the report on this bill we suggest that they take a look at this thing and see how they can figure it out? To put into the law a directive for the CAB to do something I think is a bad precedent.

Mr. TOWER. I think we have to resort to this kind of precedent when the CAB does not believe they can, unilaterally, on their own initiative, equalize the rate structure. The CAB feels like they are mandated by judicial action to treat other local service carriers of the country better than they treat Texas International and Ozark. It is a gross inequity. It has already been addressed in the House in the committee. It is on the suspension calendar in the House and has no opposition there.

Mr. PEARSON. Will the Senator yield?

Mr. TOWER. I yield.

Mr. PEARSON. I heard about this matter for the first time last evening. I understand the situation to be precisely as the Senator from Texas indicates. As briefly as we can state it, it is my understanding that the Civil Airlines Board brought an action on this rate matter; that on the appeal the two airlines in question here did not join in the appeal. There was a favorable ruling affecting the others and the two who did not participate were left behind. What this does is to give to these two airlines the same as that which has been allowed to the other airlines.

Mr. TOWER. The Senator is correct.

Mr. President, I urge the adoption of my amendment.

The PRESIDING OFFICER. Is all time yielded back?

Mr. TOWER. I yield back any time I may have.

The PRESIDING OFFICER. Is all time yielded back?

Mr. CANNON. Yes.

The PRESIDING OFFICER. All time has been yielded back. The question is on agreeing to the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. TOWER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. RANDOLPH. Mr. President, as chairman of the Subcommittee on the Handicapped and as a member of both the Subcommittee on Aging and the Special Committee on Aging, I have been committed to the needs of our Nation's handicapped and elderly citizens. H.R. 15026 will provide travel opportunities that have not before existed for our handicapped and elderly Americans. This bill permits the Civil Aeronautics Board to approve reduced air fares on a standby basis for elderly Americans and handicapped persons.

The 20th century has brought about an increased need for mobility. The necessity and convenience of air travel has been well recognized; however, handicapped persons and our older Americans have frequently not been able to enjoy this convenience that is taken for granted by so many Americans. Unfortunately, these persons who most need the convenience and comfort of air travel frequently cannot afford the fares since their incomes as a group are below the average. Approximately 20 percent of handicapped Americans and 16 percent of older Americans have incomes below the poverty level.

Independence is vitally important to all of us. However, the independence of handicapped persons and older Americans has been adversely affected by lack of accommodation to the needs of these persons. I have been deeply committed to the need for a barrier-free environment. On February 7, 1975, I introduced a concurrent resolution expressing the sense of the Congress that there should be a national policy to eliminate environmental barriers that impede the mobility

of disabled persons. Physically handicapped persons and elderly persons with limited mobility can particularly benefit from the availability of comfortable and convenient air travel. Available and accessible transportation plays an important part in obtaining that barrier-free environment which is so necessary for the independent living that handicapped Americans and older Americans wish to enjoy. By permitting the Civil Aeronautics Board to allow the airlines to provide discount standby fares for elderly and handicapped persons, we are taking another step toward that barrier-free environment. Reduced fares can enable handicapped and elderly persons to enjoy the mobility that air travel provides and will help to bring them into the mainstream of American life. H.R. 15026 brings a long awaited opportunity to these persons.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read the third time.

The bill was read the third time.

Mr. CANNON. Mr. President, I ask unanimous consent that the bill as amended by the Senate be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from South Dakota (Mr. ABOUREZK), the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Florida (Mr. STONE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Vermont (Mr. STAFFORD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 73, nays 0, as follows:

[Rollcall Vote No. 645 Leg.]

YEAS—73

Allen	Gravel	Nunn
Baker	Griffin	Packwood
Bartlett	Hansen	Pastore
Bayh	Hart, Gary	Pearson
Biden	Hathaway	Pell
Brooke	Helms	Percy
Bumpers	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Harry F., Jr.	Humphrey	Ribicoff
	Inouye	Roth
Byrd, Robert C.	Jackson	Schweiker
Cannon	Javits	Scott, Hugh
Case	Johnston	Scott, William L.
Church	Kennedy	
Clark	Laxalt	Sparkman
Culver	Leahy	Stennis
Curtis	Long	Stevens
Durkin	Magnuson	Stevenson
Eagleton	Mathias	Symington
Eastland	McClellan	Talmadge
Fannin	McGovern	Thurmond
Fong	McIntyre	Tower
Ford	Morgan	Weicker
Garn	Muskie	Williams
Goldwater	Nelson	Young

NAYS—0

NOT VOTING—27

Abourezk	Domenici	McGee
Beall	Glenn	Metcalf
Bellmon	Hart, Philip A.	Mondale
Bentsen	Hartke	Montoya
Brock	Haskell	Moss
Buckley	Hatfield	Stafford
Chiles	Huddleston	Stone
Cranston	Mansfield	Taft
Dole	McClure	Tunney

So the bill (H.R. 15026) was passed.

Mr. PEARSON. Mr. President, I ask unanimous consent that the bill just passed, H.R. 15026, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 15026

An act to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for elderly persons and handicapped persons, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 403(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)(1)) is amended by striking out "to ministers of religion on a space available basis." and inserting in lieu thereof "on a space-available basis to any minister of religion, any person who is sixty years of age or older, and to any handicapped person and any attendant required by such handicapped person. For the purposes of this subsection the term 'handicapped person' means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person as defined by the Board.".

(b) Within six months after the date of enactment of this Act, the Board shall study and report to Congress on the feasibility and economic impact of air carriers and foreign air carriers providing reduced-rate transportation on a space-available basis to persons twenty-one years of age or younger.

SEC. 2. Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is amended by adding at the end thereof the following new paragraph:

"(4)) Notwithstanding any other provision of this Act, any citizen of the United States who undertakes, within the State of California, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority granted by the Public Utilities Commission of such State is authorized—

"(i) to establish service for persons and property which includes transportation by such citizen over its routes in California and transportation by an air carrier or foreign air carrier in air transportation; and

"(ii) subject to the requirements of section 412 of this title, to enter into an agreement with any air carrier or foreign air carrier for the establishment of joint fares, rates, and services for such through service.

"(B) The joint fares or rates established under clause (ii) of subparagraph (A) of this paragraph shall be the lowest of—

"(i) the sum of the applicable fare or rate for service in California approved by such Public Utilities Commission and the applicable fare or rate for that part of the through service provided by the air carrier or foreign air carrier;

"(ii) a joint fare or rate established and filed in accordance with section 403 of this Act; or

"(iii) a joint fare or rate established by the Board in accordance with section 1002 of this Act.".

SEC. 3. Section 401(d)(3) of the Federal Aviation Act of 1938, as amended, 49 U.S.C. 1371, is further amended to read as follows:

"(3) In the case of an application for a certificate to engage in supplemental air transportation, the Board may issue a certificate, authorizing the whole or any part thereof, and for such periods, as may be required by the public convenience and necessity, if it finds that the applicant is fit, willing, and able properly to perform the transportation covered by the application and to conform to the provisions of this Act, and the rules, regulations, and requirements of the Board hereunder. Any certificate issued pursuant to this paragraph shall contain such limitations as the Board shall find necessary to assure that the service rendered pursuant thereto will be limited to supplemental air transportation as defined in this Act.".

SEC. 4. (a) Section 416(b)(1) of the Federal Aviation Act of 1958 is amended by adding a colon and the following before the period at the end thereof: *"Provided, however,* That nothing in this section shall prevent the Board from granting an exemption from the requirements of section 401 so as to authorize the conduct of all-cargo air transportation in interstate air transportation, pending consideration of an application for initial certification pursuant to such section 401, if the Board finds that the issuance of such exemption is in the public interest".

(b) Section 101 of such Act is amended by renumbering paragraphs (11) through (38) thereof as paragraphs (12) through (39) and by inserting after paragraph (10) the following new paragraph:

"(11) 'All-cargo air transportation' means air transportation of property, or of property and mail, only.".

SEC. 5. Section 406(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1376(b)) is amended by adding at the end thereof the following new sentence: "In determining compensation for any local service air carrier for the year 1966 in accordance with the provisions of this subsection, the Board shall apply Local Service Class Subsidy Rate III-A as set forth in Board order E-23850 (44 CAB 637 et seq.), except that the Board shall not apply that part of such order which requires the Board to take into account any decrease in the Federal income tax liability of such carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954.".

(b) In the event that the Civil Aeronautics Board in determining the amount of compensation to be paid to any local service air carrier for the year 1966 in ac-

cordance with the provisions of section 406 (b) of the Federal Aviation Act of 1958 took into account any decrease in the Federal income tax liability for such air carrier for such year resulting from any net operating loss carryback pursuant to section 172 of the Internal Revenue Code of 1954, the Board shall redetermine the compensation to be paid to such air carrier in accordance with such section 406(b) as amended by this Act, and shall make payment to such air carrier of any amount owned to such carrier as provided in such redetermination.

INDIANA DUNES NATIONAL LAKESHORE; TRIBUTE TO FORMER SENATOR PAUL H. DOUGLAS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of Calendar No. 1122, H.R. 11455, which the clerk will state.

The second assistant legislative clerk read as follows:

A bill (H.R. 11455) to amend the act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

That the Act entitled "An Act to provide the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309), as amended (16 U.S.C. 460u), is further amended as follows:

(1) The last sentence of the first section of such Act is amended by striking out " 'A Proposed Indiana Dunes National Lakeshore' dated September 1966, and bearing the number 'LNPNE–1008–ID' " and inserting in lieu thereof " 'Boundary Map, Indiana Dunes National Lakeshore', dated August 1976, and bearing the number 626–91,006".

(2) Section 3 of such Act is amended by inserting the following at the end of the first sentence: "By no later than January 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore. The Secretary may from time to time make minor revisions in such boundaries by publication in the Federal Register of a revised map or other boundary description.".

(3) The first sentence of subsection 4(b) of such Act is amended by inserting immediately after "was begun before" the following: "February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as 'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE–1008–ID', which map is on file and available for public inspection in the office of the Director of the National Park Service, Department of the Interior, before".

(4) Subsection 4(a) of such Act is repealed, subsection 4(b) is redesignated as section 4, and the following sentence is added to new section 4: "All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act.".

(5) (a) Section 6(a) of such Act is amended by revising the first sentence thereof to read as follows: "Except for owners of property within the area on the map referred to in the first section of this Act as unit II–B, any owner or owners, having attained age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner or owners may elect at the time of acquisition by the Secretary".

(b) Section 6(b) of such Act is amended to read as follows:

"(b) Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4.".

(6) (a) Section 8(b) of such Act is amended (A) by striking out "seven members" and inserting in lieu thereof "eleven members", and (B) by striking out "and" immediately after "State of Indiana;", and (C) by striking out "Portage," immediately after "Dune Acres." and (D) by inserting immediately after "designated by the Secretary" the following: "; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member who is a year-round resident of the towns of Highland, Griffith, or Schererville to be appointed from recommendations made by the board of trustees of such towns; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.".

(b) Section 8 of such Act is further amended by inserting the following new subsection (f):

"(f) The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside the boundaries of the lakeshore, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant located in Porter County, Indiana, section 21, township 37 north, range 6 west.".

(7) Section 10 of such Act is amended to read as follows: "There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than $57,000,000 for the acquisition of lands and interests in lands, and not more than $8,500,000 for development. By December 31, 1978, the Secretary shall, following appropriate public hearings, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of this Act, indicating—

"(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

"(2) the location and estimated cost of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

"(3) the projected need for any additional facilities within the national lakeshore.".

(8) Such Act is amended by adding at the end thereof the following:

"SEC. 11. Nothing in this Act shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line-haul railroad operations and maintenance.

"SEC. 12. The authorization of lands to be added to the lakeshore by the Ninety-fourth Congress and the administration of such lands as part of the lakeshore shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the lakeshore, nor shall it be construed to augment the control of water and air pollution sources in the State of Indiana beyond that required pursuant to applicable Federal, State, or local law.

"SEC. 13. Within one year after the effective date of this section, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

"(1) the land which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purposes of the lakeshore, and

"(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

"SEC. 14. With respect to the areas on the map referred to in the first section of this Act as units II–A and III–B, if the owners of such property within six months from the effective date of this section enter into cooperative agreements acceptable to the Secretary which will (1) with respect to unit II–A, protect the environmental, ecological, and visual integrity of Cowles Bog and the area north of the dike and assure reasonable public access along the dike for interpretive purposes, and (2) with respect to unit III–B will provide reasonable public access and preserve the environmental integrity of the area, the Secretary's authority to acquire such property shall be suspended as to each such unit so long as the applicable agreement is in effect.".

(9) Section 5 of such Act is hereby repealed, and the succeeding sections are redesignated accordingly. „

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the committee amendment be agreed to and be considered as original text for the purpose of amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSTON. Mr. President, I yield to the distinguished Senator from Indiana, who has an amendment.

AMENDMENT NO. 2319, AS MODIFIED

Mr. BAYH. Mr. President, I call up amendment No. 2319 and send to the desk a modified copy to correct three technical errors made in the printing.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Indiana (Mr. BAYH), for himself and Mr. HARTKE, Mr. STEVENSON, and Mr. PERCY, proposes amendment numbered 2319, as modified.

The amendment is as follows:

That the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes", approved November 5, 1966 (80 Stat. 1309),

as amended (16 U.S.C. 460u), is further amended as follows:

(1) The last sentence of the first section of such Act is amended by striking out "'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE–1008–ID'" and inserting in lieu thereof "'Boundary Map, Indiana Dunes National Lakeshore', dated September 1976 and bearing the number '626–91007'".

(2) Section 3 of such Act is amended by inserting the following at the end of the first sentence: "By no later than October 1, 1977, the Secretary shall publish in the Federal Register a detailed description of the boundaries of the lakeshore and shall from time to time so publish any additional boundary changes as may occur.".

(3)(a) Subsection 4(a) of such Act is repealed, subsection 4(b) is redesignated as section 4, and the following sentence is added to new section 4: "All rights of use and occupancy shall be subject to such terms and conditions as the Secretary deems appropriate to assure the use of such property in accordance with the purposes of this Act.".

(b) The first sentence of section 4 of such Act is amended by inserting immediately after "was begun before" the following: "February 1, 1973, or, in the case of improved property located within the boundaries delineated on a map identified as 'A Proposed Indiana Dunes National Lakeshore', dated September 1966, and bearing the number 'LNPNE–1008–ID', which map is on file and available for public inspection in the Office of the Director of the National Park Service, Department of the Interior, before".

(4)(a) Section 6(a) of such Act is amended by revising the first sentence thereof to read as follows: "Except for owners of property within the area on the map referred to in the first section of this Act as area II–B, any owner or owners, having attained the age of majority, of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the rights of use and occupancy of the improved property for noncommercial residential purposes for a term of twenty years, or for such lesser term as the owner of twenty years, or for such lesser term as the owner or owners may elect at the time of acquisition by the Secretary".

(b) Section 6(b) of such Act is amended to read as follows:

"(b) Upon his determination that the property, or any portion thereof, has ceased to be used in accordance with the applicable terms and conditions, the Secretary may terminate a right of use and occupancy. Nonpayment of property taxes, validly assessed, on any retained right of use and occupancy shall also be grounds for termination of such right by the Secretary. In the event the Secretary terminates a right of use and occupancy under this subsection he shall pay to the owners of the retained right so terminated an amount equal to the fair market value of the portion of said right which remained unexpired on the date of termination. With respect to any right of use and occupancy in existence on the effective date of this sentence, standards for retention of such rights in effect at the time such rights were reserved shall constitute the terms and conditions referred to in section 4.".

(5) Section 8(b) of such Act is amended (a) by striking out "seven members" and inserting in lieu thereof "eleven members", and (b) by striking out "and" immediately after "State of Indiana;", and (c) by striking out "Portage," immediately after Dune Acres.", and (d) by inserting immediately after "designated by the Secretary" the following: "; (7) one member who is a year-round resident of the city of Gary to be appointed from recommendations made by the mayor of such city; (8) one member to be appointed from recommendations made by a regional planning agency established under the authority of the laws of the State of Indiana and composed of representatives of local and county governments in northwestern Indiana; (9) one member who is a year-round resident of the city of Portage to be appointed from recommendations made by the mayor of such city; and (10) one member who holds a reservation of use and occupancy and is a year-round resident within the lakeshore to be designated by the Secretary.".

(6) Section 8 of such Act is further amended by inserting the following new subsection (f):

"(f) The Advisory Commission is authorized to assist with the identification of economically and environmentally acceptable areas, outside the boundaries of the lakeshore, for the handling and disposal of industrial solid wastes produced by the coal-fired powerplant in Porter County, Indiana, section 21, township 37 north, range 6 west.".

(7) Section 10 of such Act is amended to read as follows: "The Secretary may not expend more than $60,812,100 from the Land and Water Conservation Fund for the acquisition of lands and interests in lands nor more than $8,500,000 for development. By October 1, 1979, the Secretary shall develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan detailing the development of the national lakeshore consistent with the preservation objectives of this Act, indicating:

"(1) the facilities needed to accommodate the health, safety, and recreation needs of the visiting public;

"(2) the location and estimated costs of all facilities, together with a review of the consistency of the master plan with State, areawide, and local governmental development plans;

"(3) the projected need for any additional facilities within the national lakeshore; and

"(4) specific opportunities for citizen participation in the planning and development of proposed facilities and in the implementation of the general management plan generally.".

(8) Such Act is amended by adding at the end thereof the following:

"SEC. 11. Nothing in this Act shall diminish any existing (as of March 1, 1975) rights-of-way or easements which are necessary for high voltage electrical transmission, pipelines, water mains, or line-haul railroad operations and maintenance.

"SEC. 12. (a) Nothing in the Act shall be construed as prohibiting any otherwise legal cooling, process, or surface drainage into the part of the Little Calumet River located within the lakeshore: *Provided*, That this subsection shall not affect nor in any way limit the Secretary's authority and responsibility to protect park resources.

"(b) The authorization of lands to be added to the lakeshore by the Ninety-fourth Congress and the administration of such lands as part of the lakeshore shall in and of itself in no way operate to render more restrictive the application of Federal, State, or local air and water pollution standards to the uses of property outside the boundaries of the lakeshore, nor shall it be constructed to augment the control of water and air pollution sources in the State of Indiana beyond that required pursuant to applicable Federal, State, or local law.

"SEC. 13. The Secretary shall acquire the area on the map referred to in the first section of this Act as area III–B within two years from the effective date of this section only if such area can be acquired for not more than $800,000, exclusive of administrative costs of acquisition, as adjusted by the Consumer Price Index: *Provided*, That the Secretary may not acquire such area by any means after two years from the effective date of this section.

"SEC. 14. The Secretary may acquire that portion of area I–C which is shaded on the map referred to in the first section of this Act only with the consent of the owner unless the present owner attempts to sell or otherwise dispose of such area.

"SEC. 15. Within one year after the date of the enactment of this section, the Secretary shall submit, in writing, to the Committees on Interior and Insular Affairs and to the Committees on Appropriations of the United States Congress a detailed plan which shall indicate—

"(1) the lands which he has previously acquired by purchase, donation, exchange, or transfer for administration for the purpose of the lakeshore; and

"(2) the annual acquisition program (including the level of funding) which he recommends for the ensuing five fiscal years.

"SEC. 16. The Secretary may acquire only such interest in the right-of-way designated 'Crossing A' on map numbered 626–91007 as he determines to be necessary to assure public access to the banks of the Little Calumet River within fifty feet north and south of the centerline of said river.

"SEC. 17. The Secretary shall enter into a cooperative agreement with the landowner of those lands north of the Little Calumet River between the Penn Central Railroad bridge within area II–E and 'Crossing A' within area IV–C. Such agreement shall provide that any roadway constructed by the landowner south of United States Route 12 within such vicinity shall include grading, landscaping, and plantings of vegetation designed to prevent soil erosion and to minimize the aural and visual impacts of said construction, and of traffic on such roadway, as perceived from the Little Calumet River.

"SEC. 18. (a) The Secretary may not acquire such lands within the western section of area I–E, as designated on map numbered 626–91007, which have been used for solid waste disposal until he has received a commitment, in accordance with a plan acceptable to him, to reclaim such lands at no expense to the Federal Government.

"(b) With respect to the property identified as area I–E on map numbered 626–91007, the Secretary may enter into a cooperative agreement whereby the State of Indiana or any political subdivision thereof may undertake to develop, manage, and interpret such area in a manner consistent with the purposes of this Act.

"SEC. 19. By July 1, 1977, the Secretary shall prepare and transmit to the Committees on Interior and Insular Affairs on the United States Congress a study of areas III–A, III–C, and II–A, as designed on map numbered 626–91007. The Secretary shall make reasonable provision for the timely participation of the State of Indiana, local public officials, affected property owners, and the general public in the formulation of said study, including, but not limited to, the opportunity to testify at a public hearing. The record of such hearing shall accompany said study. With respect to areas III–A and III–C, the study shall (a) address the desirability of acquisition of any or all of the area from the standpoint of resource management, protection, and public access; (b) develop alternatives for the control of beach erosion if desirable, including recommendations, if control is necessary, of assessing the costs of such control against those agencies responsible for such erosion; (c) consider and propose options to guarantee public access to and use of the beach area, including the location of necessary facilities for transportation, health, and safety; (d) detail the recreational potential of the area and all available alternatives for achieving such potential; (e) review the environmental impact upon the lakeshore resulting from the potential development of said areas; and (f) assess the cost to the United States from both the acquisition of said areas together with the potential savings from the retention of rights of use and occupancy and from the

retention of the boundaries of the lakeshore, as designated on map numbered 626–91007, including the costs of additional administrative responsibilities necessary for the management of the lakeshore, including the maintenance of public services in the town of Beverly Shores, Indiana. With respect to area II–A, the Secretary shall study and report concerning the following objectives: (a) preservation of the remaining dunes, wetlands, native vegetation, and animal life within the area; (b) preservation and restoration of the watersheds of Cowles Bog and its associated wetlands; (c) appropriate public access to and use of lands within the area; (d) protection of the area and the adjacent lakeshore from degradation caused by all forms of construction, pollution, or other adverse impacts including, but not limited to, the discharge of wastes and any excessive subsurface migration of water; and (e) the economic consequences to the utility and its customers of acquisition of such area.

"SEC. 20. After notifying the Committees on Interior and Insular Affairs of the United States Congress, in writing, of his intentions to do so and of the reasons therefor, the Secretary may, if he finds that such lands would make a significant contribution to the purposes for which the lakeshore was established, accept title to any lands, or interests in lands, located outside the present boundaries of the lakeshore but contiguous thereto or to lands acquired under this section, such lands the State of Indiana or its political subdivisions may acquire and offer to donate to the United States or which any private person, organization, or public or private corporation may offer to donate to the United States and he shall administer such lands as a part of the lakeshore after publishing notice to that effect in the Federal Register.".

(9) Section 5 of such Act is hereby repealed, and the succeeding sections are redesignated accordingly.

Mr. BAYH. Mr. President, I know we are operating under rather serious time restraints. But I would like to thank the distinguished Senator from Louisiana for his extra attention, patience, diligence, and understanding on this matter, as well as his dedication to the cause of parks and conservation in general which have made it possible to be where we are right now.

Mr. JOHNSTON. I thank the Senator.

Mr. PERCY. Mr. President, will the distinguished Senator yield for a unanimous-consent request?

The PRESIDING OFFICER. The Senator from Louisiana has the floor.

Mr. JOHNSTON. Mr. President, the legislation before the Senate represents 3 years of consideration by the Committee on Interior and Insular Affairs and a decade of expectation from those who have for so long labored to preserve this unique and valuable resource.

Establishment of Indiana Dunes as a unit of the National Park System was first proposed in 1917 by Stephen Mather, the first Director of the National Park Service. The proposal was to set aside approximately 13,000 acres from Gary to Michigan City. Consideration of that proposal was interrupted by World War I althuogh the State of Indiana did set aside 2,200 acres in 1923 as a State park.

The Indiana Dunes lie at the southern tip of Lake Michigan on a fascinating complex of towering dune ridges, moving dunes, beautiful beaches, marshes, woodlands, and bogs. The dunes were formed some 15,000 years ago as retreating glaciers and glacial lakes left remnants of ancient shorelines and a vast array of plants, ranging from tropical to arctic in origin. Both eastern and western species flourish here as well, creating an area of delight for the botanist, the nature lover and the casual walker in the woods. The dunes contain three national landmarks: Cowles Bog, Pinhook Bog, and Hoosier Prairie.

In sharp contrast to the natural and recreational potential of the dunes is the enormous concentration of industry in the area as well as more recent residential subdivisions. The Lake Michigan shoreline, virtually a wilderness when Stephen Mather first proposed the creation of a national park, is now dominated by a vast complex of steel mills including major works of United States Steel, Bethlehem Steel, Midwest Steel and Inland Steel. These works are served by the Northern Indiana Public Service Co. from a fossil fuel plant located adjacent to Cowles Bog. The power company plans to enlarge their generating capacity by the construction of a nuclear plant in the same area. As a result, many of the most significant areas of the Indiana Dunes have been lost.

In 1965, the Senate passed legislation to set aside slightly more than 11,000 acres as a national lakeshore. That acreage was reduced in the final act to the present 8,300. The past decade has been a rapid expansion of subdivision growth as well as planning for industrial expansion.

Although it is impossible to go back to 1917 or even 1965, and preserve the park which should have been established, it is imperative that those areas which can contribute significantly to the recreational and ecological integrity of the area be acquired.

Mr. President, I express my deep appreciation to the distinguished senior Senator from Indiana (Mr. HARTKE) who has been of enormous assistance to both myself and the other members of the committee in the consideration of this legislation. When the subcommittee visited the national lakeshore, he personally met us and the fact that we are considering this legislation is due principally to his deep concern for this area.

Mr. President, this is a good bill, and a necessary measure, but there is a lesson here which should not be forgotten. This measure proposes the acquisition of many areas which this body wanted to acquire a decade ago. Some of that acreage has been despoiled, some of it has been subdivided, and all of it is vastly more expensive than it was a decade ago. We can no longer create the national lakeshore which Stephen Mather wanted, we cannot even undo the impacts of the last 10 years, but we should preserve what is left. The lesson is one that the administration has not yet learned, although there is some hope given the President's recent parks message. The lesson is simply that we cannot place our priceless heritage of natural, historic, and recreational resources in cold storage to be acted on sometime later. At Indiana Dunes, we cannot accomplish now what we could have 10 years ago, and we must accept that fact.

Passage of this legislation alone, however, will not acquire this recreational area—that job will require money. The national park system will need over $700 million to acquire all the lands authorized for acquisition. Included in this total are lands in the Grand Tetons, the Grand Canyon, Big Thicket, Assateague Island as well as Indiana Dunes. The Senate has twice overwhelmingly passed legislation to increase the land and water conservation fund in order to provide the needed moneys for the national park system, national forest system, national wildlife refuge system, and the National Wild and Scenic Rivers System. Passage of this bill without the other will relegate Indiana Dunes, along with other areas such as Valley Forge, Big Thicket, Cuyahoga, Buffalo River, Sleeping Bear Dunes, and similar areas to the status of paper parks. I fervently hope that the President will act on the promises he so recently made at Yellowstone and sign both this measure and the land and water conservation fund amendments.

Mr. President, the senior Senator from Indiana has introduced an amendment which, if agreed to, will avoid the need to go to conference on this measure. The amendment would include several areas which the committee excluded from the bill and excludes some others. In view of the time frame we are all working under, I believe it is necessary that we agree to this amendment in order to assure protection of those areas on which there is mutual agreement. For the record, however, I would like to state that I, and I think the other members of the committee, would have preferred to retain the committee language especially for Crescent Dunes and the Nipsco greenbelt. The committee language would have guaranteed protection of these two areas as well as public access, but we are willing to accept this amendment to see this legislation enacted.

Mr. President, I ask unanimous consent that a brief section-by-section analysis of the proposed amendment be printed in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS

Paragraph (1) This paragraph changes the map reference to reflect the additional areas added by the amendment to the National Lakeshore.

Paragraph (2) This paragraph provides for publication in the Federal Register of the final boundaries and any subsequent boundary changes.

Paragraph (3) This paragraph provides that all retained rights of use and occupancy shall be subject to appropriate terms and conditions and places a February 1, 1973, cut off date for retention of such rights on areas added by this amendment.

Paragraph (4) This paragraph eliminates any retention of rights of use and occupancy within area 11–B due to the continuing threat of damage to the State park from private land owners and limits the term of such rights elsewhere to twenty years. The paragraph also provides for the early termination of such rights by the Secretary.

Paragraph (5) This paragraph alters the membership of the Advisory Commission.

Paragraph (6) This paragraph authorizes

the Advisory Commission to assist in the identification of alternative sites for solid waste disposal by Northern Indiana Public Service Company.

Paragraph (7) This paragraph increases the present ceiling on land acquisition expenditures to $60,812,100 and limits development expenditures to $8,500,000 and also requires the Secretary to transmit a general management plan to the Congress. The plan must contain provisions for citizen participation in the planning and development of facilities and general implementation of the plan. This section does not require public hearings on every aspect of plan implementation and final decision on the manner and extent of citizen participation is left to the Secretary.

Paragraph (8) This paragraph adds the following new sections to the Act:

SEC. 11. This section provides that this Act does not diminish any existing rights of way or easements necessary for high voltage transmission, pipelines, water mains, or line haul railroad operations and maintenance.

SEC. 12. This section provides that the Act itself does not prohibit otherwise legal activities nor does it increase pollution standards. However, the section makes clear that the hold harmless language shall not in any manner be construed as limiting or altering the Secretary's authority and responsibility to protect park resources. The Secretary has a responsibility, for example, to intervene in permit hearings where the granting of a permit might affect park resources and also to take whatever action he deems necessary, including seeking injunctive relief, to eliminate threats to park resources he deems appropriate, including seeking injunctive relief, to eliminate any threats to park resources.

SEC. 13. This section provides a two-year authorization for the acquisition of the Crescent Dunes area (III–B) provided the Secretary can acquire it for $800,000 or less. The Committee version provided for acquisition if the present owners did not enter into a cooperative agreement to protect the resource and provide public access. The Committee prefers its original version, but is willing to accept this change as a part of the overall compromise on this legislation.

SEC. 14. This section provides that the Secretary may not condemn that area of 1–C being used by Midwest Steel for settling ponds unless Midwest Steel attempts to alienate the land. In any event, the Secretary is not required to ever acquire this portion of 1–C if he does not feel that acquisition would benefit the park.

SEC. 15. This section mandates the Secretary to provide the Interior Committees with a list of acquired lands and a five-year acquisition program.

SEC. 16 and SEC. 17. These sections provide for limitations on acquisition of interests in "Crossing A" and for the Secretary to enter into a cooperative agreement for environmental protection of any roadway construction there.

SEC. 18. This section provides that the Secretary may not acquire those sections of area 1–E being used for solid waste disposal unless and until he has received a firm commitment to reclaim those sections. This section also reaffirms the Secretary's authority to enter into cooperative agreements with other entities to carry out projects which he finds to be beneficial to the park.

SEC. 19. This section provides for a study by the Secretary of the Beverly Shores area and the NIPSCO greenbelt area with a report to the Committees. The Committee would have preferred to retain its original language with respect to the NIPSCO greenbelt which would have immediately protected the area either by cooperative agreement, or, if necessary, by acquisition, but has agreed to the deletion of the area from the bill to effect this compromise.

SEC. 20. Provides that the Secretary may accept the donation of contiguous parcels and modify the boundaries of the park accordingly.

Paragraph 9. This paragraph repeals section 5 of the existing Act to eliminate the present waiver of the power of the Secretary to condemn lands subject to approved zoning ordinances.

Mr. JOHNSTON. Mr. President, this bill marks the culmination of a great deal of work, mainly on the part of the distinguished junior Senator from Indiana (Mr. BAYH) and the distinguished senior Senator from Indiana (Mr. HARTKE), as well as the Senators from Illinois (Mr. PERCY and Mr. STEVENSON) and a number of other Senators who have been extremely interested in the Indiana Dunes.

The bill as passed by the House has been reduced somewhat by the Senate bill, but I think all the important and essential areas that were contained in the House bill have been included in the Senate bill.

We have extracted from it such areas as Beverly Shores, which costs about $50,000 an acre and contains many very expensive homes. The essential and important areas all have been included—both environmentally and recreationally.

The Senators from Indiana are due a great debt of thanks by the people of their State because they have worked hard on this bill. I pay special tribute to them, not only for their hard work but also for their tenacity in getting this bill passed.

I yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I ask unanimous consent that Donna Maddox, a member of my staff, have the privilege of the floor during the debate and votes on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF DEATH OF FORMER SENATOR PAUL H. DOUGLAS

Mr. PERCY. Mr. President, it is my extremely sad duty to inform the Senate of the passing today of our beloved former colleague, Senator Paul H. Douglas.

Senator Douglas served his country with dignity and distinction. He was a great American and a great son of Illinois.

Senator Douglas had a rare gift—the gift of vision—that made him a towering figure in the U.S. Senate. Throughout his long tenure of service to the people of Illinois and the people of all America, Senator Douglas provided unparalleled leadership in anticipating the role of Government in meeting the needs—and especially the human needs—of every American.

Senator Douglas was one of the most respected members of the U.S. Senate. His sense of integrity and character still stands today as a model for everyone in public life.

When I entered the Senate, I expressed the hope that I would measure up to the high standard of public service set by Paul Douglas; I express that hope again today.

I also pledged at the time of my election to the Senate to work diligently on behalf of two particular pieces of legislation that were especially important to Senator Douglas—the truth in lending bill to protect consumers and the bill to preserve the Indiana Dunes.

The truth in lending legislation that became law is a fitting tribute to Paul Douglas. The legislation that preserved the great natural treasure of the Indiana Dunes, which was further strengthened by legislation passed by the Senate today, is a living memorial to Senator Douglas.

We all extend our deepest sympathy to Mrs. Douglas and to every member of the Douglas family. They are in our thoughts and in our prayers.

I know that I share with my distinguished colleague, Senator ADLAI STEVENSON, an affection and regard for Paul Douglas as a distinguished American and a beloved friend.

Senator Douglas was my professor of economics at the University of Chicago in the late 1930's. Though we disagreed on a number of issues, we maintained a mutual feeling of friendship and affection, and we never disagreed on the goals and objectives for a better and a stronger America.

Mr. THURMOND. Mr. President, will the Senator yield me 1 minute?

The PRESIDING OFFICER. The Senator from Louisiana has the floor and controls the time.

Mr. THURMOND. Will the Senator yield me 1 minute?

Mr. JOHNSTON. I yield 1 minute.

Mr. THURMOND. Mr. President, I associate myself with the remarks made by the distinguished Senator from Illinois about former Senator Paul Douglas.

Senator Douglas and I differed on many matters, but I admired him because he went to World War II when he was entirely too old to be drafted. He was a patriotic, courageous man; he served his country well. Although we differed in many ways, I had great respect for him, because I think he was a man of courage and integrity and character.

Mr. JOHNSTON. Mr. President, the distinguished ranking minority member of the Subcommittee on Parks and Recreation is the Senator from Wyoming (Mr. HANSEN). We have a particularly good committee and a particularly good relationship, in that both the minority and the majority work in very close cohesion in trying to develop a policy for parks and recreation in this country.

The distinguished Senator from Wyoming has worked hard on this bill. I compliment him—and I compliment his staff—for the great contribution he has made in parks and recreation. If the President would take his advice in matters of parks and recreation, we would have a much better country.

Mr. STEVENSON. Mr. President, will the Senator yield to me so that I may say a few words about the late Senator Douglas?

Mr. JOHNSTON. I yield.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the time not be charged against the bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENSON. I thank the Senator for yielding.

I, too, commend the Senators from Indiana for their long and successful efforts to bring this important measure to the floor of the Senate.

Mr. President, Paul Douglas was one of the great men of our time. He served his country as teacher and scholar, as combat Marine, as a courageous local official and as a Member of the Senate.

For all his long life, which ended this morning, he fought the hard fight—for the underprivileged and for the equal rights of all citizens. He fought for the development of depressed areas. He fought for causes, often without recognition, which are now in the forefront of popular concern.

Paul Douglas championed the threatened environment long before the word "ecology" came into our popular vocabulary.

Paul Douglas was fighting on behalf of the beleaguered consumer long before it was commonplace.

Senator Douglas was a champion of congressional and political reform long before Watergate.

Today we pay tribute to a man who was not only a great teacher, a distinguished public servant and a fine human being, but a visionary whose eyes and mind saw far beyond his time.

Paul Douglas began and waged the long fight to create a Dunes National Lake Shore. Today the Senate will authorize a major expansion of that monument to the courage and the vision of Paul Douglas. He did not live to see the end of that fight, nor the end of any of his struggles. But thanks to Paul Douglas, the world is a better place, the Nation is stronger and his struggles will go on. He is an inspiration to those who follow him.

Paul Douglas is at peace now. His widow, Emily, and all the members of his family have our deepest sympathy, and I hope, Mr. President, that we will honor this noble man with a suitable memorial. None would be more suitable than a Paul H. Douglas National Dunes Lake Shore. To create such a monument to Paul Douglas I will introduce a bill to change the name of the Indiana Dunes National Lake Shore to the Paul H. Douglas National Lake Shore.

Today we mourn one of the giants of the Senate. But we and his family can take comfort in the knowledge that his life, like the life of every great teacher, will be eternal in its influence.

Mr. HANSEN. Mr. President, first, let me say that it has been my very real privilege and unique opportunity to get to know and to work with the junior Senator from Louisiana. Few people in my acquaintance are more able than is he. Few people are as diligent as he in assuming and discharging responsibilities and duties. He has worked tirelessly and he has been most accommodating in making it possible for witnesses who were interested in particular pieces of legislation to be afforded an opportunity to testify before his subcommittee. I have nothing but kind words and sincere appreciation to try to express my feelings about my very good friend, Senator BENNETT JOHNSTON.

AMENDMENTS NOS. 2359, 2360, AND 2361

Mr. President, I call up the three amendments that I have at the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. The amendments will be stated en bloc.

The assistant legislative clerk read as follows:

The Senator from Wyoming (Mr. HANSEN) proposes en bloc three amendments to amendment No. 2319 as modified, numbered 2359, 2360, 2361.

The amendments are as follows:

AMENDMENT No. 2359

In paragraph (8), delete new section 13 and substitute the following in lieu thereof:

SEC. 13. With respect to the area on the map referred to in the first section of this Act as unit III–B, if the owner within six months from the effective date of this section enters into a cooperative agreement acceptable to the Secretary which will provide reasonable public access and preserve the environmental integrity of the area, the Secretary's authority to acquire such property shall be suspended so long as the agreement is in effect.

AMENDMENT No. 2360

In paragraph (8), new section 19, in the first sentence delete "areas III–A, III–C, and II–A" and substitute "areas III–A and III–C"; and revise the fifth (last) sentence of the section to read as follows: "With respect to area II–A, as designated on map numbered 626–91,008, if the owner within six months from the effective date of this section enters into a cooperative acceptable to the Secretary which will protect the environmental, ecological, and visual integrity of Cowles Bog and the area north of the dike, and assure reasonable public access along the dike for interpretive purposes, the Secretary's authority to acquire such property shall be suspended so long as the agreement is in effect.".

AMENDMENT No. 2361

In paragraph (1) delete " '626–91007' " and insert in lieu thereof " '626–91008' ".

Mr. HANSEN. Mr. President, I move the adoption of all three amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

Mr. JOHNSTON. Mr. President, the Senator from Wyoming and I went to the Indiana Dunes to actually inspect this property. We held hearings. We talked to the Park Service, and after a great deal of thought, it was our joint judgment that the amendments that the Senator from Wyoming is now offering were good amendments. They were not clear decisions; they were difficult decisions.

After we held hearings on the matter, we then began to talk to those from the Indiana Dunes area, particularly the two Senators from Indiana, and upon further reflection, negotiation, extended discussion, and a great deal of compromising between demands or requests from the Indiana Dunes area that were many, many millions of dollars higher than we had recommended, we fashioned a compromise which, in effect, deleted the three amendments offered now by the Senator from Wyoming. I think the compromise was a good one, an excellent one. While it exceeded in dollar value, somewhat, the wishes of our committee and its first-impression view of the matter, I think it was a good compromise.

I think that compromise ought to receive the approbation of the Senate. I think it ought to be now approved and so, for that reason, I reluctantly urge the Senate to reject the amendments of the Senator from Wyoming.

Mr. BAYH. Mr. President, I second the thoughts of the Senator from Louisiana. I would like to specifically associate myself with his remarks in describing his position on the amendments of the distinguished Senator from Wyoming and also with the remarks he made relative to the contribution the Senator from Wyoming has made in the deliberation of this bill.

I find myself in the difficult position of having to join in opposition to the amendments presented by such an extremely cooperative and likable colleague, but at this stage of the game, I must say that the compromise we have struck is a very delicate one. I think most of our colleagues understand that if we are to get concurrence in the House, we have to have something they will accept without going to conference. We have every reason to believe that, with all respect to the distinguished Senator from Wyoming, we cannot get House concurrence if these amendments are adopted.

Mr. JOHNSTON. I call for the question, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Indiana.

Mr. BAYH. Mr. President, before moving the adoption of the amendment, I wish to associate myself with the remarks of our colleagues from Illinois relative to the important role that Senator Douglas played in this whole effort. I remember very well when I first came to the Senate, there was no Indiana Dunes National Lakeshore. I remember sitting back in the corner of the Senate floor, working with Senator Douglas and the late Senator McNamara, who was then the chairman of the Committee on Public Works, and negotiating a compromise with which we could move forward. Without Paul Douglas, I think it is fair to say we would not have an Indiana Dunes National Lakeshore. Without Paul Douglas, many other important causes would not have had a champion. We will all miss him.

Mr. President, I move the adoption of amendment No. 2319 as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BAYH. Will the Senator from Louisiana yield for a question?

Mr. JOHNSTON. I am pleased to yield to my distinguished colleague.

Mr. BAYH. In the Indiana Dunes National Lakeshore bill introduced by Senator HARTKE and me in April, a statutory provision was included mandating the construction of specific fences at the time certain areas were acquired by the Secretary. It is my understanding that the committee deleted these provisions from the bill as the Secretary, under his general administrative and development authority, can construct those fences with-

out the necessity of a specific statutory mandate.

Mr. JOHNSTON. The Senator is correct. The Secretary has the authority to construct whatever fences he deems necessary.

Mr. BAYH. I thank you, Senator JOHNSTON. It is my intent, and I believe the senior Senator from Indiana would concur with this, that the Secretary construct adequate safety fences along the eastern edge of area I–C, the western edge of area I–E and the eastern and southern edges of the 28-acre tract in area I–A (east) at the time each of those areas is acquired.

Mr. BAYH. Mr. President, I move the adoption of the committee amendment as amended.

The PRESIDING OFFICER. That has already been adopted.

If there be no further amendment, the question is on the engrossment of the amendments and the third reading of the bill.

A HISTORIC STEP FOR THE INDIANA DUNES

Mr. PERCY. Mr. President, today Congress has an opportunity to take a historic step in the struggle to save the Indiana Dunes. Along with Senators STEVENSON, BAYH, and HARTKE, I have cosponsored an amendment in the nature of a substitute to H.R. 11455. Our proposal would add over 3,600 acres of land to the already existing Indiana Dunes National Lakeshore.

Located in the midst of steel mills in a highly urbanized area, the dunes provide outdoor recreation for millions of people living in the Midwest. Since Illinois is one of the few States that does not have a national park within its borders, the dunes have become a favorite retreat for residents of Illinois. They are accessible by either rail or expressway from downtown Chicago. And one can easily see the skyline of Chicago from the lakeshore.

The first plea to save the dunes came in 1916 when Steven Mather, then director of the National Park Service, called for the creation of a national park. Years later, in the 1950's, a citizen group called the Save the Dunes Council enlisted the support of Illinois Senator Paul Douglas. He committed himself to the cause of protecting the lakeshore and in 1958 introduced legislation to preserve the dunes. However, the struggle between proponents of industrial growth and conservation groups intensified and the bill did not pass. It was not until 1966 that victory was achieved when 8,300 acres of the dunes were established as a national lakeshore.

Unfortunately, Mather's vision of 60 years ago still has not been fully realized. We still are battling to preserve some of the last remaining tracts of land worthy of inclusion. Our proposal would include not only dunes, woods, bogs, wetlands, and other parcels of land that should be protected, but it also would create buffer zones to maintain the integrity of the lakeshore.

In an essay on nature, Ralph Waldo Emerson wrote, "She shows us only surfaces, but she is a million fathoms deep."

The dunes were formed by the inexorable movement of glaciers 15,000 years ago. Today, their surfaces are endangered by the relentless encroachment of modern development. Emerson would have urged us to continue the protection of the dunes. And our proposal before Congress today would do exactly that—it would expand the lakeshore to include areas of vital national significance that generations of the future may otherwise have no opportunity to preserve.

Mr. President, I also express deep appreciation to Senator JOHNSTON for the outstanding leadership he has performed with respect to this measure.

UNIT II–A AND III–B

Mr. HANSEN. While it is certainly desirable that the National Park Service study the area referred to as unit II–A, the NIPSCO Greenbelt, for the express purpose of being in a better position to protect the existing lakeshore, this amendment removes the authority of the Secretary to acquire any interest in the area in question. Under the full committee version; the owner of this property would be required to enter into a cooperative agreement within 6 months which would protect the area as well as provide public access. Failing such a cooperative agreement, the Secretary would have full authority including the power of eminent domain to acquire the area in question. Under the amendment now being offered, no authority would be conferred. Rather than strengthening the bill, this amendment serves only to weaken what the full committee unanimously adopted.

In the case of unit III–B, Crescent Dune, the committee version would suspend the Secretary's acquisition authority so long as there is in effect an agreement providing for reasonable access and preservation of the environmental integrity of the area, such agreement to be negotiated within 6 months from the date of enactment. The sponsors of the amendment now under consideration have made no provision for such an agreement but rather condition its acquisition on a total negotiated purchase price of $800,000 plus administrative costs and adjustment due to the Consumer Price Index. Failing a negotiated purchase within 2 years, the Secretary's authority to acquire this unit would be suspended. In other words, this amendment lets the corporate owner of III–B dictate whether this dunes resource will or will not be acquired. If the corporation does not agree to the price, the Government could not acquire it. Again, if the resource is valuable enough to be preserved within the boundary—and the committee is convinced that it is—then the Government should be authorized to acquire it without restriction. To do otherwise—as the substitute proposes—would place the corporation in position to make the decision on the park boundary and not the Congress of the United States.

In both cases, the committee version provided for both reasonable public access and the preservation of the environmental integrity of the areas in question at no cost to the Federal Government. The amendment removes this provision from both parcels. Moreover, how can they possibly have strengthened this legislation by removing entirely the authority to acquire these lands?

Mr. STEVENSON. Mr. President, I am pleased to join Senator BAYH and Senator HARTKE in sponsoring this amendment to S. 3329, expanding the Indiana Dunes National Lakeshore. It continues an effort begun more than 20 years ago by Senator PAUL H. DOUGLAS.

The 10 million people of northeastern Illinois and northern Indiana have less open space than any other major metropolitan area in the Nation. This lakeshore is the only useable national recreation area within 500 miles of northeastern Illinois and Indiana. It will be the Nation's first urban national park—and one of the most intensively used recreational resources in the Nation.

This amendment would enhance the recreational potential of the lakeshore. It would also preserve the lakeshore's unique ecological value.

Mr. President, every acre of land proposed to be acquired under this amendment serves the dual purpose of insuring the preservation of the original park while adding to its treasures. Delay means more escalating land acquisition costs, as well as more environmental degradation to the 8,000-year-old glacial lakes, lagoons, dunes and marshes that make up this wonderland. Some of the tracts proposed for acquisition in the first expansion bill in 1971 have already given way to dune buggies, bulldozers and cement mixers.

As Paul Douglas said in 1965 during his fight to create the park:

> The need is so great, and the opportunity so wondrous, that further delay cannot be permitted.

It is now 10 years later. I commend Senators BAYH, HARTKE, and JOHNSTON for their efforts and urge all our colleagues to act favorably on this amendment and continue the task begun by Senator Douglas more than 20 years ago. This amendment will not complete the task, but it is a long step forward.

Mr. BAYH. Mr. President, H.R. 11455, the Indiana Dunes National Lakeshore expansion bill, as reported by the Committee on Interior and Insular Affairs and subsequently modified pursuant to the amendment offered by Senators HARTKE, STEVENSON, PERCY, and I, represents the culmination of over 25 years of efforts to preserve the natural state of the unique Indiana Dunes topography. In 1964, the Senate passed legislation which would have established an 11,000-acre national lakeshore, similar to that which will be completed with passage of the bill we are considering today. Necessary compromises ultimately resulted in the enactment in 1966 of the existing 5,600-acre Indiana Dunes National Lakeshore. Since that time, many people have continued to toil long and hard in order to make it possible to complete the work left unfinished 10 years ago.

Legislation to expand the national lakeshore established in 1966 was first offered in the 92d Congress by me and several of my distinguished colleagues. In February of this year, the House of Representatives passed H.R. 11455 which provided for a 4,340-acre expansion of

the Indiana Dunes National Lakeshore. My good friend, Congressman FLOYD FITHIAN, labored for over a year to hammer out reasonable compromises between the industries, environmental organizations and area residents concerned with expansion of the national lakeshore and is largely responsible for the excellent legislation passed by the House this year. It should also be noted that Congressman ED ROUSH, who in the 92d Congress introduced the first national lakeshore expansion bill in the House, contributed enormous amounts of time and effort to help achieve House passage of H.R. 11455.

In April of this year, my senior colleague and I, along with several other distinguished Senators, introduced S. 3329, a bill to expand the national lakeshore by more than 4,700 acres. That bill incorporated all of the land included in the House-passed bill plus several areas which I believed it was important to include in any expansion proposal.

With the cooperation of the distinguished chairman of the Subcommittee on Parks and Recreation, BENNETT JOHNSTON, expedited hearings were held to consider both the House-passed measure and S. 3329. Those hearings were followed in August by the action of the full Committee on Interior and Insular Affairs, which reported to the Senate an amendment in the nature of a substitute to H.R. 11455. That amendment was offered by Senators JOHNSTON and HANSEN, the ranking minority member of the Subcommittee on Parks and Recreation, and expressed the growing desire of many Members of this body to statutorily impose a comprehensive national parks development policy, especially for urban parks of which the Indiana Dunes is the oldest.

Subsequent to the action of the Committee on Interior and Insular Affairs, Congressman FITHIAN, Senator HARTKE, and I consulted with the people, especially those in Indiana, who had labored long and hard to achieve a substantial expansion of the national lakeshore. As a result of our detailed discussions, we approached Senator JOHNSTON with a compromise proposal which recognized the clear mandate of the Interior Committee that certain areas included in S. 3329 and the House-passed measure would not be authorized this year for inclusion in an expanded national lakeshore. That compromise proposal is essentially embodied in the amendment in the form of a substitute which has been offered by Senators HARTKE, STEVENSON, PERCY, and me and accepted today by the committee.

Mr. President, I would like to take this opportunity to express my deep gratitude to the distinguished Senator from Louisiana for the time and effort he has expended in helping develop the national lakeshore expansion legislation we are considering today. Senator JOHNSTON has shown himself to have impressive depth of knowledge of national park policy and problems which was invaluable in the shaping of this legislation; he has always been willing to discuss the legislation with me; and he has been willing to make reasonable compromises to insure expansion of the Indiana Dunes National Lakeshore and protection of the valuable natural resources in northwestern Indiana. Also to be thanked for the extensive amount of time and excellent work contributed to this legislation are Bob Szabo of Senator JOHNSTON's staff and Jim Beirne, Chief Counsel of the Subcommittee on Parks and Recreation. Especially noteworthy is the gentlemanly manner in which Senator JOHNSTON and his staff have conducted themselves throughout the negotiations and considerations relating to national lakeshore expansion legislation.

I would also like to extend my thanks to Sylvia Troy, president of the Save the Dunes Council, and Edward R. Osann of the council's Washington office. Without their untiring efforts in behalf of the Indiana Dunes, expansion of the national lakeshore might never have been on the verge of becoming a reality.

When I introduced S. 3329 in April, I stated that it was intended to achieve four diverse but interrelated goals. Although H.R. 11455, as amended by the Hartke-Bayh substitute, incorporates major differences from that legislation, I firmly believe it substantially achieves those same goals. First, permanent protection will be afforded to presently vulnerable natural areas. Second, this bill will provide the over 7 million residents of northern Indiana and the Greater Chicago area with largely expanded recreational facilities. Third, this bill is designed to afford necessary and reasonable protection to those areas within the existing national lakeshore not adequately protected from degradation resulting from the surrounding urban environment. Finally, this bill incorporates provisions essential to the continued economic vitality of northwestern Indiana.

Given the variety of natural areas incorporated in this 3,662 acre Indiana Dunes National Lakeshore expansion bill, my colleagues may find it helpful if I include at this point an area-by-area analysis of the Hartke-Bayh amendment in the form of a substitute to H.R. 11455.

AREA I–A (EAST): OGDEN DUNES

This 41-acre addition is composed of a 13-acre wedge of land between the Penn Central Railroad tracks and the southern border of the town of Ogden Dunes and a 28-acre tract adjacent to the eastern edge of West Beach in the existing national lakeshore. The southern boundary of that 28-acre tract runs between lots Nos. 34 and 35 of the present subdivision and continues on a line running east and west.

The northern 12 acres of the 28-acre tract in area I–A (East) presents an exceptional display of the unique natural qualities of the Indiana Dunes. It is the intent of the Senators from Indiana that this area be made available for interpretation by the visiting public in the most sensitive manner possible, unencumbered by user facilities or structures. It is also the intent of the Senators from Indiana that fences along the eastern and southern edges of the 28-acre tract in area I–A (East) be constructed by the Secretary at the time that area is acquired to insure protection of residential areas outside the national lakeshore boundaries from accidental intrusion by visitors to the heavily used West Beach.

The National Park Service should give priority to acquisition of this area to insure against degradation resulting from ongoing residential construction and development.

AREA I–A (WEST): EDGEWATER DUNES

This 92–acre block consists of high wooded dunes fronting on the Lake-Porter County Line Road. It will provide a valuable buffer at the west side of West Beach.

AREA I–B: GLACIAL LAKE DUNES AND MARSHES

The 585-acre expanse of ancient cattail marshes, dune ridges and scattered oak groves is devoid of structures and prized by naturalists and geologists. It is the largest single area in the present expansion legislation and includes a strip along the north side of Route 12 and the Penn Central Railroad which will provide easy access to area I–C.

AREA I–C EASTERN BEACH AND DUNES EXTENSION

This 134-acre area is a microcosm of some of the most important ecological features of the Indiana Dunes and offers outstanding opportunities for environmental education. The new section 14 included in the Hartke-Bayh amendment authorizes the Secretary to acquire lands, which are used by the present industry owner as settling ponds, between the eastern boundary of area I–C and Burn's Waterway with the consent of the owner or if the present owner attempts to sell or otherwise dispose of such lands. It is the intent of the Senators from Indiana that the Secretary construct a fence along the eastern edge of area I–C at the time that the area is acquired to protect lakeshore visitors from the lands presently used for settling ponds.

AREA I–D: LONG LAKE EXTENSION

This 580-acre area contains a 161-acre tract of outstanding Nipissing dunes not included in the House-passed expansion bill. The remaining 419 acres are essential to the protection of the Long Lake watershed and for effective management of the national lakeshore.

AREA I–E: MILLER LAGOONS AND WOODS

This 330-acre area contains a large essentially unspoiled tract and is adjacent to the United States Steel Gary Works, thereby providing excellent possibilities for interpretation of the costs of progress. The new section 18(a) contained in the Hartke-Bayh amendment authorizes acquisition of 35 acres in the eastern section of area I–E presently used as a slag dump, contingent upon the Secretary first receiving an acceptable commitment from either a public agency or private organization to reclaim that acreage at no cost to the Federal Government.

New section 18(b) of the Hartke-Bayh amendment permits the Secretary to enter into a cooperative agreement with the State of Indiana or any political subdivision thereof to develop, manage and interpret area I–E. It should be noted that local interests, including the city of Gary, are in an advanced stage of planning for the development of a small boat harbor offshore from area I–E. It is the intent of the Senators from Indiana that the Secretary shall investigate the feasibility of local development and opera-

tion of small boat harbor facilities in this area. Subject to a timely determination by the Secretary of the consistency of such facilities with the natural and recreational values for which the lakeshore was established, the Secretary may enter into a cooperative agreement with local interests to facilitate the construction and operation of such facilities.

It is also the intent of the Senators from Indiana to have the Secretary construct a safety fence along the western edge of area I–E at the time that said land is acquired.

AREA I–F: TOLLESTON DUNE COMPLEX

This 295-acre area is ideally suited for short hikes and contains intersecting low dune ridges and swales left as a vestige of the Glacial Lake era. This area also provides a favorable location for visitor transportation facilities for users of West Beach.

AREA II–B: WAVERLY ROAD

A large part of this 139-acre area is completely surrounded by the presently authorized national lakeshore. The high estimated acquisition cost of $3,050,000 results from the existence of approximately 80 small residences within the area.

Section 4(a) of the amendment to H.R.11455 specifically singles out area II–B as the only area within the national lakeshore in which a residential property owner will not be eligible for a 20-year leaseback upon condemnation by the Secretary. The elimination of leasebacks for residents in area II–B is a direct result of pressure exerted by Indiana Gov. Otis Bowen and the Ford administration. Governor Bowen maintains elimination of ordinary leasebacks is necessary to forestall construction of a drainage canal in this area. The Senators from Indiana believe there are less severe solutions to existing drainage problems and the elimination of residential leasebacks in area II–B is an unnecessary intrusion upon the property rights of the present owners. Unfortunately, to insure enactment of national lakeshore expansion legislation this year, it was necessary that the Hartke-Bayh amendment incorporate the unwise and insensitive provisions Governor Bowen and the Ford administration desired.

AREA II–C: TREMONT TRACT

This is a 20-acre tract intended for inclusion in the existing national lakeshore but unaccountably omitted when final boundaries were established by the National Park Service.

AREA II–D: FURNESSVILLE MARSH EXTENSION

This 165-acre area consists largely of a marsh that is part of a drainage system already included in the authorized national lakeshore. In a compromise with the House passed bill, the southern boundary of area II–D has been drawn parallel to but approximately 350 feet north of the north edge of Route 20.

AREA II–E: BAILLY HOMESTEAD RIVER EXTENSION

This 166-acre area encompasses a section of the Little Calumet River and is adjacent to the Bailly Homestead area in the existing national lakeshore. Along with area IV–C, acquisition of this area will greatly increase the recreational potential of the section of the Little Calumet in the existing national lakeshore.

The Hartke-Bayh amendment to H.R. 11455 adds a new section 12 to the Indiana Dunes National Lakeshore Act (Public Law 89–761). Subsection a of new section 12 outlines the authority of the Secretary with regard to protection of the portion of the Little Calumet River located within the national lakeshore. Subsection b of new section 12 relates to the effect of the expansion legislation on applicable air and water pollution standards. Both of these subsections have been carefully balanced to ensure the essential protection from degradation of the valuable natural resources within the national lakeshore while also enabling the uninterrupted operation of nearby industries which are essential to the economic vitality of northwestern Indiana.

AREA III–B: CRESCENT DUNE

This 30-acre area is adjacent to the far eastern tip of the existing national lakeshore and is needed to provide land for the migration of nearby Mount Baldy. New section 13 of the Hartke-Bayh amendment places an $800,000, plus administrative expenses, cost acquisition ceiling on this area. The adjustment to that ceiling by the Consumer Price Index is intended to be calculated from the date of enactment of expansion legislation to the date of acquisition.

Given the degradation of area III–B threatened by the present utility owner, new section 13 also directs the Secretary to acquire this area within 2 years. It is the intent of the Senators from Indiana that the Secretary place a high priority on acquisition of this valuable pristine area, and the proviso at the end of new section 13 is not intended to prohibit acquisition if the Secretary has commenced condemnation proceedings within the designated 2 years but the actual transfer of title has been delayed beyond the 2 years by opposition to Federal acquisition from the present utility or then existing owner.

AREA IV–A: BLUE HERON PRESERVE

This 391-acre area encompasses 1½ miles of wooded stream used as a rookery by the great blue heron. Great blue heron are not common in Indiana and the loss of nesting grounds nationally has caused the blue heron to approach endangered status. It is intended that this area be made available for interpretation by the visiting public in the most sensitive manner possible.

AREA IV–C: LITTLE CALUMET RIVER—WEST SECTION

This 168-acre area encompasses the section of the Little Calumet River adjacent to the western boundary of area II–E. This section of the Little Calumet contains whitewater offering excellent recreational potential. New sections 16 and 17 of the Hartke-Bayh amendment are intended to permit the present industrial owner of specific lands within this area to retain fee ownership of those lands and to construct on them a crossing to provide access to and from indus- river. These sections are identical to those trial operations north and south of the passed by the House.

AREA V: PINHOOK BOG BUFFER ZONES

This 180-acre area is necessary to protect Pinhook Bog, which is within the existing national lakeshore, from forms of degradation not anticipated in 1966. The House passed bill provides for the inclusion of only 150 acres, but the National Park Service has requested 30 additional acres be included to insure essential protection of the bog.

AREA VI–A: HOOSIER PRAIRIE

Ninety percent of this 330-acre area was recently acquired by the State of Indiana with a matching grant from the land and water conservation fund. While the remaining acreage may be acquired by the Secretary, that part which is now in public ownership would be acquired by donation only. The prairie is included as a detached ecological preserve.

Two sections of the expansion bill not previously discussed should also be noted. Section 7 of the Hartke-Bayh amendment requires that specific opportunities be provided for citizen participation in the planning and development of proposed facilities and in the implementation of the national lakeshore general management plan to be developed by the Secretary. This section is intended to require opportunities for citizen participation, including public hearings where appropriate, whenever significant development is being considered and whenever the Secretary is or should be aware of the potential for citizen interest in administration of the national lakeshore.

The new section 20 to be added to the Indiana Dunes National Lakeshore Act by the expansion bill being considered today provides for the study by the Secretary of areas II–A, III–A, and III–C. All three of these areas were intended for inclusion within the boundaries of the national lakeshore as proposed by S. 3329, the expansion bill which Senator HARTKE and I introduced earlier this year. The eventual deletion of area II–A, the NIPSCO Greenbelt, and area III–A, the Beverly Shores Island, represents major concessions we have made to insure enactment of a viable expansion bill this year and protection of other presently vulnerable natural areas.

With respect to area II–A, it should be noted that the study area included in the Hartke-Bayh amendment differs substantially from the area II–A included in the House-passed bill. Most notably, the north-south leg of the Greenbelt has been excluded from the study area and the dump sites in the southeastern corner of the area have been added. The actions of the Indiana Senators and the Congress with respect to area II–A are not to be construed as an expression of congressional approval or disapproval of the construction permit issued by the Nuclear Regulatory Commission for construction of a nuclear powerplant at the Bailly site in the vicinity of unit II–A.

Direct dumping by the Northern Indiana Public Service Co.—Nipsco—of ash, iron oxides, and other solid wastes is being carried out in the western edge of Cowles Bog, a national natural landmark within the national lakeshore and adjacent to area II–A. Mr. President, I believe the responsibility and the cost

for alleviating any adverse impact on the resources of the national lakeshore resulting from such dumping should be borne by Nipsco. Accordingly, the Secretary should take whatever action is necessary to preserve the park resoruces, including injunctive relief for continuing trespass.

Area III–A, the Beverly Shores Island, was the largest area, 652 acres, originally intended for inclusion in an expanded national lakeshore. The Committee on Interior and Insular Affairs deleted area III–A from the expansion bill because of the estimated acquisition cost of over $23 million. This was done despite the previous passage by the House of expansion legislation including area III–A. As a result of the exclusion of the Beverly Shores Island, the town board of Beverly Shores requested for administrative purposes the exclusion also of a substantial portion of area III–C.

Consequently, the Hartke-Bayh amendment to H.R. 11455 provides for a detailed study by the Secretary of both area III–A and area III–C. This study is to be completed by July 1, 1977. I introduced S. 3329 in April with the belief that the benefits of Federal acquisition of area III–A far outweigh the costs of acquisition, and I remain confident that the required study will clearly substantiate that belief.

Mr. President, I would urge my colleagues to consider the Indiana Dunes National Lakeshore expansion bill in light of our Nation's growing awareness of the need to preserve the increasingly scarce unique natural areas that have always made this one of the, if not the most, diverse and beautiful countries in the world. The Indiana Dunes is such an area and deserves the expanded protection to be afforded by H.R. 11455 as amended.

I ask unanimous consent that the statement of Senator HARTKE on H.R. 11455 may be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HARTKE

The amendment to H.R. 11455, which we consider today would add 3,662 acres to the existing Indiana Dunes National Lakeshore in northern Indiana—an area in which Indiana takes great pride. That pride is well placed as the Indiana Dunes offers a rare opportunity for millions of Americans to study and enjoy a unique natural resource.

When my good friend and distinguished colleague, Senator Bayh, and I originally introduced our expansion bill in April of this year, we were requesting that 4,700 acres be included into the system. That figure represented an increase of some 400 acres over the expansion measure passed by the House of Representatives earlier this year, but substantially less than previous expansion bills in earlier sessions of Congress. At that time, I reflected on the history of my efforts to expand the Lakeshore and stated that time and compromise had resulted in a scaling down of the acreage to be included. Although it would add some 1,000 acres less than our April proposal, I believe that the new proposal accomplishes most of the major goals for the region which have been at the forefront of our expansion efforts.

Senator Bayh will introduce for the record a detailed analysis of the compromise amendment, so I will not duplicate that effort. I wish only to stress the importance of the passage of this measure in its present form. While I am anxious to complete Senate action on this measure, I would reiterate my determination to see that the areas which were excluded for study are eventually acquired for the Lakeshore. I am confident that after the studies are completed, Beverly Shores and the NIPSCO Greenbelt will be acquired and I intend to do everything possible to that end.

I wish to express my gratitude to the Parks Subcommittee Chairman, Senator Johnston, for his appreciation of the Indiana Dunes as a nationally significant area worthy of preservation and protection and for his willingness and patience in our efforts to reach a compromise of this expansion legislation.

It has now been a full decade since the original authorizing legislation to establish the Indiana Dunes National Lakeshore was passed by Congress. That Act, allowing for 5,600 acres of parkland, fell well short of the over 11,000 acres envisioned as optimal for quality recreation for the millions who would benefit. Since 1966, the unfinished business of expanding the Lakeshore has remained just that. We have never been closer to completing that business than now. I feel a great responsibility to those I represent, to act on this issue now, to preserve those lands which remain unprotected and which could be lost forever.

Therefore, I urge my colleagues to act favorably on this measure while the opportunity still exists.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. JOHNSTON. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HANSEN. I yield back my time.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for 1 minute.

The PRESIDING OFFICER. Is there objection? The Chair hears none. Without objection, it is so ordered.

H.R. 15552—COMMITTEE ON THE JUDICIARY DISCHARGE FROM FURTHER CONSIDERATION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of a companion measure to S. 3646. The bill is H.R. 15552.

The PRESIDING OFFICER (Mr. STEVENS). Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1208.

Mr. ALLEN. Mr. President, reserving the right to object, would the Senator make his request that it come immediately after the rollcall of the defense bill?

Mr. ROBERT C. BYRD. I withdraw it.

INDIANA DUNES NATIONAL LAKESHORE

The Senate continued with the consideration of the bill (H.R. 11455) to amend the act establishing the Indiana Dunes National Lakeshore to provide for the expansion of the lakeshore, and for other purposes.

The PRESIDING OFFICER. The question is, Shall the bill pass? The yeas and nays have been ordered, and the clerk will call the roll.

Mr. BAYH. Mr. President, I think it is appropriate to take 30 seconds to pay a special word of tribute for the time and effort expended on this bill by the staff of the Interior Committee, especially Jim Beirne; Bob Szabo of Senator JOHNSTON's staff; and Tony Bevinetto of Senator HANSEN's staff. I would also like to thank Mary Lu Campbell, of Senator HARTKE's staff, and Geoff Grodner and Howard Paster of my staff.

The PRESIDING OFFICER (Mr. STEVENS). The Chair is constrained to tell the Senator from Indiana that all time is yielded back.

Mr. BAYH. I appreciate the Senator from Alaska so alerting me.

The PRESIDING OFFICER. I thank the Senator.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Wyoming (Mr. MCGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Florida (Mr. STONE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I further announce that the Senator from Ohio (Mr. GLENN) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. MCCLURE), the Senator from Vermont (Mr. STAFFORD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 74, nays 0, as follows:

[Rollcall Vote No. 646 Leg.]

YEAS—74

Abourezk	Bartlett	Brooke
Allen	Bayh	Bumpers
Baker	Biden	Burdick

Byrd, Harry F., Jr.	Hollings	Pell
Byrd, Robert C.	Hruska	Percy
Cannon	Humphrey	Proxmire
Case	Inouye	Randolph
Church	Jackson	Ribicoff
Clark	Javits	Roth
Culver	Johnston	Schweiker
Curtis	Kennedy	Scott, Hugh
Durkin	Laxalt	Scott, William L.
Eagleton	Leahy	Sparkman
Eastland	Long	Stennis
Fannin	Magnuson	Stevens
Fong	Mathias	Stevenson
Ford	McClellan	Symington
Garn	McGovern	Talmadge
Goldwater	McIntyre	Thurmond
Gravel	Morgan	Tower
Griffin	Muskie	Weicker
Hansen	Nelson	Williams
Hart, Gary	Nunn	Young
Hathaway	Packwood	
Helms	Pastore	
	Pearson	

NAYS—0

NOT VOTING—26

Beall	Glenn	Metcalf
Bellmon	Hart, Philip A.	Mondale
Bentsen	Hartke	Montoya
Brock	Haskell	Moss
Buckley	Hatfield	Stafford
Chiles	Huddleston	Stone
Cranston	Mansfield	Taft
Dole	McClure	Tunney
Domenici	McGee	

So the bill (H.R. 11455) was passed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HANSEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

APPROVAL OF BILL

A message from the President of the United States announced that on September 21, 1976, he approved and signed the bill (S. 3669) to provide for adjusting the amount of interest paid on funds deposited with the Treasury of the United States as a permanent loan by the Board of Trustees of the National Gallery of Art.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that yesterday, September 23, 1976, he presented to the President of the United States the following enrolled bills:

S. 1404. An act for the relief of Mrs. Kyong Chu Stout;

S. 1477. An act for the relief of Beatrice Serrano-Toledo;

S. 1787. An act for the relief of Maria Lisa R. Manalo and Rogena R. Manalo;

S. 2220. An act to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 18302.

S. 2481. An act for the relief of Oscar Rene Hernandez Rustrian.

S. 2668. An act for the relief of Arturo Moreno Hernandez;

S. 2770. An act for the relief of Anthony Augustus Daley and Beverly Evelyn Daley;

S. 2830. An act for the relief of Gary A. Broyles;

S. 2956. An act for the relief of Teresa Marie Salman; and

S. 3095. An act to increase the protection of consumers by reducing permissible deviations in the manufacture of articles made in whole or in part of gold.

ORDER OF BUSINESS

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mr. JACKSON. Mr. President, I yield first to the Senator from West Virginia, the distinguished assistant majority leader.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. President, I ask unanimous consent that the distinguished Senator from Washington may proceed for not to exceed 2 minutes on a matter of making a technical correction, that he may be followed by the Senator from Wisconsin (Mr. PROXMIRE) to speak with reference to the passing of the late Senator Paul Douglas, and that then the Senate may proceed for not to exceed 5 minutes to call up the National Science Foundation conference report.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Washington.

AMENDMENT OF THE GEOTHERMAL STEAM ACT

Mr. JACKSON. Mr. President, I send a bill to the desk on behalf of Senator METCALF, Senator HANSEN, and Senator STEVENS, and I ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The second assistant legislative clerk read as follows:

A bill (S. 3848) to amend the act of February 25, 1920.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read the second time at length, and the Senate will proceed to its immediate consideration.

Mr. JACKSON. Mr. President, I bring this bill before the Senate in behalf of Senator METCALF and Senator HANSEN.

Mr. President, this bill does two things. First, it corrects technical errors in the amendment to section 35 of the Mineral Lands Leasing Act which was enacted on August 4 when Congress overrode the President's veto of S. 391. These errors relate to the dates upon which revenue sharing payments to the States will be made and to the percent of mineral leasing revenues which would be paid to the State of Alaska. That percentage was inadvertently changed and my bill corrects that and leaves Alaska's share of the revenues at 90 percent. I wish to stress that my bill does not in any way change the percentage of mineral revenues which will be paid to any State.

Second, my bill contains language approved by both the House and the Senate as part of the BLM Organic Act—S. 507. These provisions relate to loans to States and local governments to relieve social and economic impacts occasioned by development of Federal minerals. The loans would be repaid from the revenue sharing payment authorized under existing law.

Mr. President, I believe that these technical corrections and the loan provisions should be enacted into law in this Congress.

Mr. President, I yield to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I would like to thank my distinguished colleague, the chairman of the Senate Committee on Interior and Insular Affairs, for his courtesy in bringing up this bill. It has my full support, as might be inferred from the cosponsorship of the bill.

I believe it will accomplish what was intended by the Congress, and I urge its immediate passage.

Mr. JACKSON. I thank the Senator.

The PRESIDING OFFICER. If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 3848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 35 of the Act of February 25, 1920 (41 Stat. 437, 450), as amended, is further amended to read as follows: "All money received from sales, bonuses, royalties, and rentals of the public lands under the provisions of this Act and the Geothermal Steam Act of 1970, notwithstanding the provisions of section 20 thereof, shall be paid into the Treasury of the United States; 50 per centum thereof shall be paid by the Secretary of the Treasury as soon as practicable after March 31 and September 30 of each year to the State other than Alaska within the boundaries of which the leased lands or deposits are or were located; said moneys paid to any of such States on or after January 1, 1976, to be used by such State and its subdivisions, as the legislature of the State may direct giving priority to those subdivisions of the State socially or economically impacted by development of minerals leased under this Act, for (i) planning, (ii) construction and maintenance of public facilities, and (iii) provision of public service; and excepting those from Alaska, 40 per centum thereof shall be paid into, reserved, appropriated, as part of the reclamation fund created by the Act of Congress known as the Reclamation Act, approved June 17, 1902, and of those from Alaska, 90 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof: *Provided,* That all moneys which may accrue to the United States under the provisions of this Act and the Geothermal Steam Act of 1970 from lands within the naval petroleum reserves shall be deposited in the Treasury as 'miscellaneous receipts', as provided by the Act of June 4, 1920 (41 Stat. 813), as amended June 30, 1938 (52 Stat. 1252). All moneys received under the provisions of this Act and the Geothermal Steam Act of 1970 not otherwise disposed of by this section shall be credited to miscellaneous receipts.".

SEC. 2. (a) The Secretary is authorized to make loans to States and their political subdivisions in order to relieve social or economic impacts occasioned by the development of mineral leased in such States pursuant to the Act of February 25, 1920, as amended. Such loans shall be confined to the uses specified for the 50 per centum of mineral revenues to be received by such States and subdivisions pursuant to section 35 of such Act. All loans shall bear interest at a rate not to exceed 3 per centum and shall be for such amounts and durations as the Secretary shall determine. The Secretary shall limit the amounts of such loans to all States except Alaska to the anticipated mineral revenues to be received by the recipients of said loans and to Alaska to 55 per centum of anticipated mineral revenues to be received by it pursuant to said section 35 for any prospective 10-year period. Such loans shall be repaid by the loan recipients from mineral revenues to be derived from said section 35 by such recipients, as the Secretary determines.

(b) The Secretary, after consultation with Governors of the affected States, shall allocate such loans among the States and their subdivisions in a fair and equitable manner, giving priority to those States and subdivisions suffering the most severe impacts.

(c) Loans under this subsection shall be subject to such terms and conditions as the Secretary determines necessary to assure that the purpose of this subsection will be achieved. The Secretary shall issue such regulations as may be necessary to carry out the provisions of this section.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. HANSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMMITTEE MEETING DURING SENATE SESSION TODAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet in executive session today to consider H.R. 15246 and S. 3736, Service Contract Act amendments, S. 3262, to extend the Unemployment Assistance Act, and the nomination of Mr. Ronald Berman to be chairman of the National Endowment for the Humanities.

Mr. ALLEN. I object at this time.

The PRESIDING OFFICER. Objection is heard.

DEATH OF PAUL H. DOUGLAS, FORMER U.S. SENATOR

Mr. PROXMIRE. Mr. President, I shall be very brief. Unfortunately, as the Chair knows, the great Paul Douglas died this morning. He was the U.S. Senator from Illinois from 1948 to 1966. He was a remarkable Senator. Here was a man who brought to the Senate the kind of expertise the Senate needs. He was an economist. He was president of the American Economists Association. Many years ago he wrote a definitive study of wages which was a study of how wages operate in a free society. He was the author of many bills. He was known as a liberal, but not wasteful. His career in fighting wasteful projects was one that inspired many people in the country to recognize that we should be more discriminating than we had been.

Mr. President, here was a man who was a very compassionate, caring, loving human being. He has a delightful wife, Emily Taft Douglas, who served in the Congress, incidentally, with great distinction.

Paul Douglas is mentioned for many things, but I would like to mention two, in closing. One was his remarkable sense of humor. Second, was the fact that Paul Douglas said when he was a young man he wanted to save the world. As a middle-aged man he wanted to save the United States. As an old man, he wanted to save the Indiana Dunes.

So it is appropriate that Paul Douglas died today, at a time when the Senate passed a bill for which he, I think, would be more grateful than anyone in the country. He also wanted the dunes to be named not only after himself but after Emily Douglas. I hope the Senate will do that.

I yield to the Senator from Washington.

Mr. JACKSON. Mr. President, I wish to associate myself with the distinguished Senator from Wisconsin. I had the privilege of knowing Paul Douglas for all the time he served in the U.S. Senate. He was at one time a professor at the University of Washington. He was a great mountain climber; he climbed Mount Rainier and many of our great peaks in Washington back in the 1920's.

When I was on the high school debating team, my favorite economist in terms of rallying support for my position was Paul Douglas who was then professor of economics at the University of Chicago.

Of the many men I have known who have served in this body few have had such a broad and diversified experience and, indeed, an expertise in many areas.

This man was totally committed to protecting and enhancing the environment. The Indiana dunes is one of his great monuments. In fact, he was so honorable and so gracious that when we had the early fights over the dunes and there was a controversy among the States that were involved, he asked me to introduce the bill. He did not want any credit. He asked me to introduce the bill to save the Indiana dunes, which I did for Paul Douglas.

As the Senator from Wisconsin pointed out, the dunes should be named for the Douglases, for both of them, Emily Taft Douglas and Paul Douglas.

His interest in national security was profound. He felt very deeply the importance of keeping this country committed to a strong and credible posture. At the same time, he was a very compassionate man, concerned to help the oppressed, concerned to try to improve the economy and the standard of living of our people. There was not an important area in which Paul Douglas did not take a tremendous and sensible interest. He was one of the great Members of this body and he will be sorely missed.

Mr. PROXMIRE. I yield to the Senator from Minnesota.

Mr. HUMPHREY. Mr. President, I heard this morning of the death of Paul Douglas. I have lost a very personal friend, as my esteemed friend and colleague from Wisconsin knows. Paul Douglas came to the Congress in the elections of 1948. It was in that same election that I was privileged to be elected to serve in the Senate.

We came to this body together and we worked together on a host of measures. We developed a friendship over the years of our mutual service here in the Senate that to me is one of the most precious memories of my life. All during the days of Paul Douglas' retirement from the Senate, or being no longer with us, I tried from time to time to keep in touch with him.

I have been the recipient of his friendship. I have often been inspired by his words, always encouraged by his example, and always strengthened by his trust.

Paul Douglas was a giant of a man. A brilliant economist, yes. He was chairman of the Joint Economic Committee. I think it is fair to say that he gave the Joint Economic Committee in those early days of its life as a committee of this Congress genuine stature. He was respected here in this body for his capacity and ability as a debater. He needed no prepared script. He could stand up and argue with the best of them.

How well I remember the debates between Paul Douglas and the late Eugene Milliken of Colorado. How well I remember the debates between Paul Douglas and the late Robert Kerr of Oklahoma and the late Robert Taft, of Ohio, just to mention a few. Those were masterpieces, the Senate at its best.

I will never forget the time that Paul Douglas came to me and said, "Hubert, you and I ought to team up on the tax bill of 1950. We shall offer a number of amendments."

I see the distinguished chairman of the Finance Committee with us, Mr. LONG. He will be interested in this little memory of days past.

I knew very little or nothing about tax legislation. Paul said:

We will get a group of scholars to train us.

He said, "us" because he already knew the subject but he did not want to embarrass me.

For literally weeks in my office or in the office of Senator Paul Douglas we would meet with men like Charlie Davis, who was the counsel for the Department of the Treasury, or Joe Peckman. We had a number of others whose names slip by me for the moment. They were trying to get this young Senator from Minnesota equipped to do battle with the giants of the Senate, like Walter George, of Georgia, and Eugene Milliken, of Colorado.

We were in those days meeting in the old Supreme Court Chamber, which today has, thank goodness, been refurbished. Those were some very happy days in the U.S. Senate. There was an intimacy there, and a friendship and a fellowship, that I long for even at this hour. And I remember Paul taking them on. He was sort of the MC. But after the whole thing was over, he sent a telegram to my wife which we cherish, saying something to the effect "Your HUBERT has done well." That was Professor Douglas grading his student.

That is just one of the memories I have. Senator Paul Douglas, professor,

scholar, once pacifist, then a fighting Marine, a city councilman in Chicago, fighting the machine, beating it, and then, when he became a city councilman, backing the party as a loyal Democrat.

I remember when the election of 1948 was underway. Who expected that any of us were going to be elected? Harry Truman looked like he would be defeated, and there was an argument in Illinois—I was present on the occasion—as to whether Adlai Stevenson would run for Governor or Senator, or Paul Douglas would run for Governor or Senator. Quite frankly, neither one of them thought they had a chance to win, but somebody had to file, and finally, at the last minute, it was decided that Adlai Stevenson would be the candidate for Governor and Paul Douglas would be the candidate for Senator.

It appeared that there was a better opportunity for Mr. Stevenson to be elected Governor than Paul Douglas. But both of them were overwhelmingly elected.

I participated in what we called the Midwest forum—that is where I met both these distinguished men—where we were supposed to be briefed and brought up to date on the issues of the time. Paul Douglas and Emily Taft Douglas have given to Muriel and HUBERT HUMPHREY some of the happiest moments of our lives. How well I can remember dining at their home. I remember when Paul got his swimming pool; we helped christen it, so to speak.

So let me just end with a little comment here today about this good friend, not with any note of sadness, because he would not want that: He was a fighter. He struggled. He was brave. He was the epitome of integrity. He had an incisive mind. He had tenacity and perseverance on any issue to which he addressed himself. But above all, he was a great, great guy, a warm-hearted human being, a man who never let his brilliance get in the way of his sense of humanity and humility, a man who qualified to be an intellectual but had a great sense of compassion. You and I remember him as a man of deep emotions, friendly, fighting for the weak, helping the helpless, able to do battle with anyone intellectually, and a great credit to the U.S. Senate.

I think that Paul Douglas will go down in the memory of this body as one of the truly great men of the 20th century. He has gone home now to his heavenly reward. Moments like this have always made me believe in the doctrine of immortality, because the good works of this good man will live on for generations yet to come.

I thank the Senator from Wisconsin for letting me have a chance to say these words about someone I loved very much, someone whom I shall miss greatly, but someone who touched my life and made me a better person along the way.

Mr. PROXMIRE. Mr. President, before I yield to the Senator from Louisiana, let me say that I have talked with Paul Douglas often about HUBERT HUMPHREY, and how much he loved HUBERT HUMPHREY and admired him. I think there was probably nobody in public life Paul Douglas felt closer to or admired more than the great Senator from Minnesota.

I would like to point out two more things which we just cannot overlook. Many people have received credit—Presidents, Senators, Congressmen, religious leaders, and others—for the great civil rights movement over the last 20 years. To my mind, no one was more responsible than Paul Douglas. He was always a man who led in the U.S. Senate. His effective work in preventing the blocking of that legislation was the greatest. Paul Douglas was more responsible than any other person for the progress we have made on civil rights in the last generation.

Another of his remarkable achievements has been in the one-man, one-vote principle we now follow in the election of our State legislatures, due to a Supreme Court decision that was not overturned largely because of the continuing dedicated efforts of Paul Douglas, who led that fight.

I have also heard Paul Douglas many times talk about Senator LONG, and how much he enjoyed working with him. While they disagreed occasionally on a few issues, Paul Douglas had great admiration for the intelligence and ability of Senator LONG, and had great pleasure in serving under Senator LONG, or with Senator LONG, I should say, on the Finance Committee.

Mr. LONG. Mr. President, I did not know until I entered the Chamber and heard the colloquy that my friends were discussing Paul Douglas. I had not heard the news of his passing.

He was truly a giant among Senators—the kind that comes along once in many years. Paul Douglas was a Senator who fought for the less privileged, for those who were least able to care for themselves. His heart was as big as all outdoors, and he was untiring in fighting against things that he thought would provide special favors for some, particularly when he thought that we were neglecting so many who were more deserving.

I can recall when we were working on public welfare bills that it would be Paul Douglas who would insist on doing something for children. He would contend that we would pass these bills to look after the aged and disabled, but we would neglect the children. Paul's argument was that that was happening only because the children could not vote and the aged could.

I worked with him in many areas of that sort, and I also enjoyed fighting beside Paul Douglas in areas involving monopoly issues, such as base point pricing. He and I joined in a filibuster to try to prevent the enactment of a law to continue that monopolistic pricing system in effect. We passed it, and it was passed by the House, but when it got to Harry Truman's desk he vetoed it, and we did not have the votes to override the veto, so we had to abandon that cause.

Younger Senators like myself were in many respects well educated by the speeches Paul Douglas would make here on the Senate floor dealing in economic matters and the types of issues that I have discussed here.

I believe, Mr. President, that Paul Douglas will serve as an inspiration to Senators as long as there is a Senate. Senators will hear of him, they will read his biography, they will read stories others will tell of this great Senator. He was many years ahead of other Senators in his thinking. The vision of the kind of America Paul Douglas would picture is to a considerable extent what has happened in the years since he served in the Senate and in some respects the ideal that he pictured for America will be that which I am sure this Nation will some day achieve, thanks in large measure to the inspiration of such a man.

Mr. PROXMIRE. Yes.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Alabama.

Mr. ALLEN. Mr. President, perhaps it is inappropriate that I comment on Senator Paul Douglas because he had already left the Senate when I came to the U.S. Senate. But I must say that during the years that he served in the Senate I admired him greatly from afar. We differed on political philosophy because certainly he was a liberal and I am of a more conservative philosophy. But I admired his great integrity. I admired his dedication. I admired his patriotism because we know that while in his forties he volunteered for service in World War II and participated in some of the invasions in the Pacific, and certainly was a patriot of the first order.

And I was impressed when the distinguished Senator from Wisconsin said that Senator Douglas was of a view that to be a liberal you did not have to be a wastrel, and as the Senator from Wisconsin was saying that I thought how true that was of the philosophy of the distinguished Senator from Wisconsin who is a liberal, but certainly is no wastrel and far from it; he is one of the great leaders in seeing that we do operate in a fiscally responsible fashion.

I remember one occasion when I met Senator Douglas at the Democratic National Convention of 1952. I remember another occasion when he came here to the Senate, to show another great quality of his which was humility, and soon after I came to the Senate in 1969 I looked up in the family gallery and there was sitting Senator Douglas. He, of course, had the privileges of the Senate floor, but he felt somehow or other that because he was no longer a Senator and because he had been defeated in his last race for the Senate he should not presume to come on the Senate floor. So I asked one of the pages to go up and ask him to come down, and he declined to do so. So I went up myself and spoke to him and urged him to come down on the Senate floor, and he again declined. So I pointed out to the distinguished Senator from Illinois (Mr. PERCY) the presence of Senator Douglas in the family gallery, and Senator PERCY, of course, was anxious to get him to come down and visit with his friends here on the Senate floor.

So he went up and persuaded Senator Douglas to come down, and all of the Members of the Senate were so delighted to see him because he certainly was a much beloved Member of the Senate.

I add that little incident to the history of this great man. I thank the distinguished Senator.

TRIBUTE TO SENATOR PAUL H. DOUGLAS OF ILLINOIS

Mr. ROBERT C. BYRD. Mr. President, Paul H. Douglas, former Senator from Illinois, passed away today at the age of 84. With his passing, this Nation lost one of its most dedicated citizens. During his 18 years of service in this body, he distinguished himself as one of our most brilliant and conscientious Members.

Senator Douglas received his undergraduate education at Bowdoin College and his doctorate from Columbia University. His field of greatest expertise was economics, and he taught this discipline and related subjects at several schools, including Illinois, Amherst, and Chicago. He also wrote numerous books and articles on economics and government.

Though Paul Douglas was widely versed in the abstract theories of the economic world, he was able to unite ideal principles with concrete action. He is credited with drafting Illinois' first old age pension act, and he helped draw up the unemployment insurance law of that State. From 1939 to 1942, he served as an alderman in Chicago. Upon leaving the Senate, he was chairman of the President's Committee on Urban Affairs and the Committee on Tax Reform.

Senator Douglas was always a versatile and energetic man. During World War II, at the age of 50, he enlisted as a private in the U.S. Marine Corps. Advancing through the ranks to the level of lieutenant colonel, he was twice wounded in combat in the Pacific. He was awarded the Bronze Star for "heroic achievement in action."

Paul Douglas was a man of massive intelligence, courageous vision, and deep compassion. He possessed a hope for America that impelled him to work tirelessly for the improvement of the lives of all our people. He was a pioneer in the areas of tax reform, civil rights, housing, social security, and urban affairs. While he was a Member of the Senate, his conscience and sensitivity served to enlighten us all.

Many men of stature, character, and ability have served in the Senate during its history. But Paul H. Douglas will be ranked as one of the most capable Senators in this century. The contributions that he made to the life of this Nation will continue to influence the lives of Americans far into the future, and the example of his career will serve to inspire the Members of this body for many generations.

Mr. MUSKIE. Mr. President, the memory of Paul Douglas will always be a reminder of a standard of integrity so rare among men as to inspire us all. He set an example of commitment to fundamental human and constitutional rights at a time when the protecton of those rights for many of our citizens was not taken for granted. The fundamental securities guaranteed in our labor and civil rights laws are, in large part, the products of his courage.

His was the leadership that assured that the most fundamental revolution in the Federal system—the reapportionment of State legislatures on a one-man, one-vote basis—was not overturned by ill-advised constitutional amendments.

We reflect here today our admiration for a great man, an exemplary Senator, and a good friend, and we are saddened at his passing. But memorials are inadequate to those whose very lives are their monuments. Of Paul Douglas we say, with Pericles, "Heroes have the whole Earth for their tomb; and in lands far from their own, where the column with its epitaph declares it, there is enshrined in every breast a record, unwritten with no tablet to preserve it, except that of the heart."

In the 8 years we served together in this body Paul became a great friend. As a native of New England and a member of the class of 1913 at Bowdoin College in Brunswick, Maine, Paul had a keen interest in my home State. We would trade stories of Maine, and of our colorful mutual friend, Sumner Pike, of Lubec, Maine.

Maine people benefitted not only from his interest, but also his commitment to the rights of the individual, his achievements as a legislator and economist, and his concern for his country and its people. I know they join me in mourning his passing.

Mr. KENNEDY. Mr. President, I join my colleagues in paying tribute to one of the great Senators of 20th century America, Paul H. Douglas of Illinois.

For a generation, he was a legend in the Senate—the epitome of the scholar-statesman, the symbol of excellence in public service, a credit to his beloved State of Illinois, a towering figure on the floor of the U.S. Senate and in our committee rooms. For 18 years, his unparalled intellect and wisdom and ability graced the Senate. For the last 4 years, I had the privilege of serving with him and working with him and learning from him, and the Senate never had a better teacher.

As Isaac Newton once said, if we see farther today, it is because we stand on the shoulders of the giants of the past. For many of us in the Senate, the issues of today should have a familiar ring, because they are also the issues for which Paul Douglas fought throughout his career in public service.

To the vested interests, he was a lifelong threat. For 7 years, they kept this professor of economics—this president of the American Economics Association who had helped to write the Social Security Act for President Roosevelt in the 1930's—for 7 years they kept him off the Finance Committee, fearful of the reforms this irrepressible idealist had in mind.

He launched many lonely fights for the public good, and he lived to see many causes finally prevail. Military waste, medicare and Federal aid to education, reapportionment and one man-one vote, tax reform and repeal of the oil depletion allowance; the minimum wage for labor and truth in lending for the consumer; the environment and the preservation of the Indiana Dunes. I would note that the bill we passed today, adding 3,000 acres to that magnificent national lakeshore, is yet another step in the journey started by Paul Douglas.

Above all, he was the leader for civil rights in the 1950's, long before the days of "We Shall Overcome." Almost singlehandedly, he laid the foundation in the Senate for the progress that later came.

He was as much at home with the Marines, they said, as at a literary tea. An early advocate of U.S. intervention in World War II, he enlisted as a private in the Marines at 50. Badly wounded at both Saipan and Okinawa, his crippled arm on the Senate floor was a constant reminder of the patriotism and dedication of this Senator who fought so hard for all the causes he believed in.

He was also a close personal friend of President Kennedy and all the members of our family. When my brother first came to the Senate in 1952, they served together on the Labor Committee, and Ted Sorensen moved from Paul Douglas' office to join my brother's staff.

In March of 1959, Paul Douglas' famous article appeared in Coronet magazine, "A Catholic Can Become President." He was right, as he always was, and he had helped to make it so.

To many of us, he was the Senate's greatest liberal. When they asked the celebrated British scientist, Lord Rutherford, how he always managed to be riding the crest of the wave of modern physics, he replied, "I made the wave, didn't I?" That thought is true of Paul Douglas, too. His causes are ours, now, as we mourn his death and share the grief of his wife Emily and their children.

He was a voice for those who never had a voice before in our society. His unequaled opposition to unfairness and special privilege and injustice, his commitment to the poor and powerless and downtrodden in our society, were stated many times in the old English quatrain he liked to recite so often on the Senate floor:

The law locks up both man and woman
Who steals the goose from off the common,
But lets the greater felon loose,
Who steals the common from the goose.

Mr. HRUSKA. Mr. President, I ask unanimous consent that I may have 2 minutes for the purpose of asking immediate consideration of H.R. 15552.

The PRESIDING OFFICER. Without objection, it is so ordered.

CRIMES OF INTERNATIONAL SIGNIFICANCE

Mr. HRUSKA. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 15552.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 15552) to amend title 18, United States Code, to implement the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents", and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Without objection, the committee is discharged and the Senate will proceed with the immediate consideration of the bill.

Mr. HRUSKA. Mr. President, this bill amends title 18 of the Criminal Code of the United States. The purpose of this bill is to implement two conventions. Both conventions have been ratified and agreed to by the Senate.

One convention is to prevent and punish the acts of terrorism taking the forms of crimes against persons and relating to extortion that are of international significance.

The other convention is on the prevention and punishment of crimes against internationally protected persons including diplomatic agents.

Mr. President, even though the Senate has given its advice and consent to ratify both conventions, the instruments of ratification have not been deposited. It is the policy of the State Department not to deposit an instrument of ratification until and unless it is assured that Federal law will permit the United States fully to discharge its treaty obligations.

This bill if enacted will permit the United States to deposit the instruments of ratification for both treaties and to become a party to them.

Mr. President, the pending bill, H.R. 15552, has a counterpart in the bill S. 3646, which was reported favorably by the Committee on the Judiciary earlier this week and which is on the Senate Calendar.

The purpose of the legislation is to implement the "Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents."

BACKGROUND

Both the Organization of American States and the United Nations have begun concerted international efforts to deal with terrorist acts directed at diplomats. The OAS has drafted the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance"—known as the OAS Convention—and the U.N. has drafted the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons"—known as the U.N. Convention. These conventions are based upon a recognition that criminal acts directed at diplomatic agents seriously threaten the maintenance of normal international relations.

The United States has signed both conventions—the OAS Convention on February 2, 1971, and the U.N. Convention on December 28, 1973. The Senate has given its advice and consent to the ratification of both conventions—the OAS Convention on June 12, 1972, and the U.N. Convention on October 28, 1975. The United States will become a party to each convention upon deposit of an instrument of ratification with the appropriate international agency.

TREATY OBLIGATIONS

The OAS and U.N. Conventions seek to safeguard "internationally protected persons" from certain crimes. "Internationally protected persons" include:

(a) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign State, as well as members of his family who accompany him;

(b) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.

The crimes from which these conventions seek to protect such persons include murder; kidnaping and assault; threats or attempts to commit murder, kidnaping or assault; and extortion in connection with murder, kidnaping, or assault.

Both conventions obligate a party to them to take certain action when it finds within its territory someone who has committed one of the enumerated offenses against an internationally protected person. The party must either extradite the offender to another party or try him under its own criminal laws. For example, country A is a party to the conventions. A citizen of country A kills the American Ambassador to his country. The offender then flees from country A to the United States, where he is apprehended. If the United States were a party to the conventions, it would be obligated either to extradite the offender to country A or to try him under U.S. law. The United States would have unrestricted discretion to decide which course of action to take.

Both conventions, therefore, may result in the United States exercising extraterritorial criminal jurisdiction. This would occur in the above example if the United States were to choose to try the citizen of country A for the crime of murder, since the offense occured within the territory of another country. Extraterritorial criminal jurisdiction was authorized last Congress in Public Law 93–366, which deals with aircraft hijacking.

NEED FOR LEGISLATION

Even though the Senate has given its advice and consent to ratify both conventions, the instruments of ratification have not been deposited and the United States is not yet a party to either. It is the policy of the State Department not to deposit an instrument of ratification unless it is assured that Federal law will permit the United States fully to discharge its treaty obligations. Unless this legislation is enacted, the United States would not be able fully to discharge its obligations under the Conventions.

The OAS Convention is presently in force, and the State Department expects the U.N. Convention to enter into force very shortly—only six more ratifications are needed. It is in the best interests of the United States to become a party to both. This legislation, if enacted, will permit the United States to deposit the instruments of ratification for both treaties and become a party to them.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

Mr. McCLELLAN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ALLEN. I move to lay that motion on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Does the Senator wish a companion Senate bill indefinitely postponed?

Mr. HRUSKA. Mr. President, I ask unanimous consent that S. 3646, the companion bill, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ALLEN. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLEN. Was it not agreed that the conference report on the National Science Foundation will come up at this time?

The PRESIDING OFFICER. There is such an agreement. The Senator wishing to be recognized is not present, and the Chair is unable to recognize him.

Mr. ALLEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (H.R. 12831) for the relief of Mo Chong-Pu, in which it requests the concurrence of the Senate.

The message also announced that the House has passed the bill (S. 866) for the relief of Patrick Andre Tasselin and his wife, Fabienne Francoise Tasselin, with amendments in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 4583. An act for the relief of Rosina C. Beltran.

MO CHONG-PU

Mr. PASTORE. Mr. President, I am going to talk a little about Mo Chong-Pu, but I am going to ask unanimous consent that the bill be made the pending business.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, reserving the right to object, will the Senator repeat his request? I did not hear it.

Mr. PASTORE. My unanimous-consent request is that it be given immediate consideration.

Mr. DURKIN. I object.

Mr. PASTORE. I move that it be made the pending business, Mr. President.

The PRESIDING OFFICER. It would take unanimous consent to waive the first two readings and to move to this bill at this time.

Mr. PASTORE. I ask unanimous consent for that purpose, but before I ask unanimous consent, do I have the floor?

The PRESIDING OFFICER. The Senator has the floor.

Mr. PASTORE. Let me explain this bill.

We have a former professor and present analyst for the Department of Education in Rhode Island who has adopted two orphans from Southeast Asia. Under the law, he can adopt only two. They found this little boy, 3 years old, with malnutrition, in a backyard in Korea, and he was dying.

This man and his lovely wife would like to adopt this boy, but he cannot adopt this boy unless we pass this bill.

If anybody wants to be that cruel, let them answer to the Man above. This is a young boy who needs a home. This is a professional in Rhode Island who is affluent enough to take care of him, is ready and willing to provide for him and to give him a home. That is what this is all about. The bill has been passed by the House without a dissenting vote.

I ask unanimous consent again, Mr. President, that it be made the pending business.

Mr. LONG. Mr. President, reserving the right to object, can we have an understanding that if this is made the pending business, some privileged matter will not be brought in to displace it while this is pendng?

The PRESIDING OFFICER. The Senator's request, as the Chair understands it, is that the Senate will proceed to the consideration of this bill, this bill only, with no amendments, and that there will be no other business until it is disposed of. Is that the Senator's motion?

Mr. PASTORE. That is the Senator's motion.

The PRESIDING OFFICER. Is there objection?

Mr. DURKIN. Mr. President, now that the distinguished Senator from Rhode Island has explained it, I have no objection.

The PRESIDING OFFICER laid before the Senate H.R. 12831, an act for the relief of Mo Chong-Pu, which was read twice by its title.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. PASTORE. Mr. President, I urge the passage of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. PASTORE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT—CONFERENCE REPORT

The PRESIDING OFFICER. The conference report on H.R. 12566 will be stated by title.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 12566) authorizing appropriations to the National Science Foundation for fiscal year 1977, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD.)

The PRESIDING OFFICER. The question occurs on the conference report. If no one wishes to speak, the Chair will have no alternative but to put the question as to the adoption of the conference report.

Mr. LONG. What conference report?

Mr. ALLEN. The National Science Foundation.

I am sure the distinguished Senator from Massachusetts would like to speak on this matter, so I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY: Mr. President, the conference report on the National Science Foundation Authorization which the Senate has before it today provides $816.7 million for the Foundation's programs in fiscal year 1977. As chairman of the Special Subcommittee on the National Science Foundation, and as chairman of the Senate conferees on this legislation, I urge its adoption by the Senate.

Included in the conference agreement is a 19.5 percent increase over the fiscal year 1976 level in funding for basic research. I am pleased that our conferees were able to obtain approval of these additional funds, particularly in view of the steadily downward trend in Federal funding of basic research which has marked the last decade. The conference agreement reflects the important role which basic research must play in furthering the Nation's economic and social goals.

In addition to the funds provided in the conference agreement for basic research, the bill provides funds for the continuation of on-going NSF programs and additional increases and new initiatives in science education and in national and international needs and resources.

In the area of science education, for example, which had declined from 25 percent of the Foundation's budget in 1968 to just 7 percent in the administration's fiscal year 1977 budget request, the conferees have approved a total of $79,400,000, which includes $10,000,000 in funds to be carried over from fiscal year 1976. This is a 22 percent increase over the budget request, and will enable the Foundation to move forward with a number of potentially promising new programs.

The conference agreement increases from $300,000 to $1.2 million the authorization for the new science for citizens program. This effort will be directed to: first, improving public understanding of science, engineering and technology and their impact on public policy issues; second, facilitating the participation of experienced scientists and engineers, as well as graduate and undergraduate students, in public understanding of science, engineering and technology and their impact on public policies; and third, assisting professional societies and public interest groups in conducting forums, conferences and workshops to increase public understanding of science and technology, and their impact on public policy issues.

As this new program gets underway, I am urging the National Science Foundation to assign the highest priority to providing support for:

First, qualified scientists and engineers to work on public policy issues with significant scientific and technical components in conjunction with groups which serve important public purposes, units of State and local government, or nonprofit media organizations;

Second, internship programs for science and engineering undergraduate or graduate students to work on public policy issues with significant scientific and technical components in conjunction with groups which serve important public purposes, units of State and local government, or nonprofit media organizations, as part of their academic training;

Third, forums, conferences, and workshops on public policy issues with significant scientific and technical components;

Fourth, new and existing independent journals for the publication of research and for commissioning or publishing reports or papers generated by public interest activities to be circulated among scientists and engineers, and among the public in a form understandable by the general public;

Fifth, new and existing media programs utilizing radio or television to increase public understanding of public policy issues with significant scientific and technical components;

Sixth, groups which serve important public purposes to acquire necessary technical expertise relating to the scientific and technical aspects of public pol-

icy issues and to enable such groups to bring together in appropriate forums experts whose research has been directed to the resolution of such issues; and

Seventh, travel and related expenses incurred by scientists, engineers, or members of groups which serve important public purposes to facilitate the exchange of information regarding the scientific and technical components of public policy issues.

At the same time I am urging that lower priority be assigned to the following activities, which in my view need further evaluation prior to the commitment of the limited funds which will be available in fiscal year 1977:

First, the design and use of registries of scientists and engineers to serve as a resource to local decisionmakers, community and citizens groups, including the study of past and present registries and their effectiveness:

Second, the establishment of regional centers to support projects involving public policy issues with significant scientific and technical components, which have been proposed by State and local organizations and institutions; and

Third, the establishment of national clearinghouses with regional branches to facilitate access by scientists, engineers and the general public to research and other information and material related to the scientific and technical components of public policy issues.

The conference agreement also calls for the development of a new program plan for continuing education for scientists and engineers. This new $500,000 activity, in addition to the Foundation's ongoing $1,000,000 program in this area, is designed to enable scientists and engineers to make more valuable contributions to the Nation. The new program plan will focus on the development of special curricula and educational techniques for continuing education, and on the award of fellowships for the pursuit of courses of study which provide continuing education. It builds on the limited program in this area currently supported by the Foundation, and is targeted on experienced scientists and engineers who have been engaged in their careers for at least 5 years. It is designed to enable them to bring their knowledge up to date and to prepare for new careers in concert with changes in national priorities.

Important new funding is also provided in the conference agreement for efforts to improve the participation of minorities, women, and the handicapped in science and engineering and to encourage their employment at the Foundation. Women now comprise only 5 percent of the persons employed in this Nation in science and engineering; minorities only 4 percent. The handicapped, for which no comprehensive data has yet been developed, also appear to face serious problems of underemployment. Moreover, far too many, despite interest, attitude, and ability, have never become part of the potential pool of scientists and engineers. The conference agreement provides funds to address the problems inherent in the underrepresentation of these groups in science and engineering and to insure that the Nation does not overlook the potential contribution they can make to scientific and technological development.

The conference agreement also authorizes $1,000,000 for planning grants for the establishment of Minority Centers for Graduate Education in Science and Engineering. This new program will expand the options of the minority community in science and engineering. It will go beyond the NSF's existing minority institutions improvement program, by providing opportunities for research in universities with graduate students and postdoctoral research associates. The Centers will also expose the minority community to the latest and most sophisticated science and technology. They will serve as a source of highly trained scientists and engineers for local schools. Faculty members will serve as role models for aspiring young minority students. Expressions of support for this new program have come from educators and researchers from across the country.

The conference agreement also insures the continuation of the instructional improvement implementation program and the elementary and secondary school materials development, testing and evaluation program; $3,500,000 has been authorized for these programs. I regret that this amount is lower than the budget request of the administration, but am pleased that we were able to restore the programs—which had been eliminated completely from the House version of the authorization. The close to 200 letters which our subcommittee received in support of these programs and testimony of witnesses during the Senate hearings, including that of the National High School Science Teachers Association, were of significant assistance in the effort to restore these funds.

The conference agreement also authorizes $1,000,000 for the program "Ethical and Human Value Implications of Science and Technology." Of special importance is the conferees agreement to include ethical and value issues arising in the context of biological science and clinical medicine as priority areas for funding under this program.

A new emphasis on international scientific research, education, and policy analysis is also provided in the conference agreement. This effort will insure that U.S. science and technology makes the fullest contribution to research problems which cross national boundaries. It will focus on the alleviation of problems in the developing world that result from scientific and technical needs related to food, nutrition, and agriculture. The conferees have also strongly urged the Office of Science and Technology Policy, together with the Foundation, the Department of Commerce, the Department of Agriculture, and other appropriate agencies and organizations to conduct a study of international scientific research, education, and policy analysis. Such a study is necessary in order to delineate further activities which could contribute to the amelioration of the agricultural and nutrition problems confronting the developing world.

There will also be a new emphasis in fiscal year 1977 on interdisciplinary research through undergraduate programs, research projects which provide for apprenticeship training, fellowship programs, and arrangements for degree training, including postgraduate degrees in more than one discipline, in institutions of higher education.

Important incentives are also provided in the conference agreement for full participation by small business in NSF supported programs. Ten percent of applied research funds is set aside for small businesses. NSF is also directed to establish an Office of Small Business Research and Development to monitor all awards made to small business and to insure that the 10 percent set-aside is fully and effectively used. The Office will collect and disseminate information concerning grants awarded to small business, analyze the scientific and technical expertise which exists in the small business community, assist individual small companies in obtaining information regarding the procedures and programs of the Foundation, and recommend such changes in procedures to the Director of the Foundation and the National Science Board as may be appropriate to meet the needs of the small business community.

The conferees have also urged the Office of Science and Technology Policy, together with the Small Business Administration to prepare a comprehensive report on the scientific and technical capability which exists in the small business community. The conferees expect that this report will be carried out in collaboration with private sector organizations representing small business, and that it will address the serious gaps which exist in the data concerning the capabilities, utilization and growth potential of the small business sector in science and technology.

I am also urging the Foundation, as provided in the Senate committee report on the authorization, to review future patterns for Foundation support for basic and applied research. It is my understanding that this study is already well underway, and that it will address the role of both the academic and nonacademic sectors in the conduct of research. I hope that it will be ready for submission to the Congress by the end of the year.

Also included in the conference agreement is $1 million for research on advanced forms of energy—a program begun by the Foundation prior to the establishment of the Energy Research and Development Administration and one which the conferees have agreed should be continued, though on a smaller scale than in the past.

The conference agreement also addresses the need for increased public participation in all aspects of the Foundation's programs. Provisions to insure wider dissemination of research results and access to information are included. Significant participation by nonscientists and representatives of public groups is emphasized in the science for citizens program. Greater participation by minorities, women, and the handicapped is

mandated for NSF review panels, advisory committees, and all of the other mechanisms through which the Foundation relies on the expertise of the scientific and nonscientific community.

The conference agreement also authorizes $3,000,000 for a new State science, engineering and technology program. Grants will be available to States to increase their capacity to apply science, engineering, and technology to meeting the needs of their citizens. States are entitled to grants of up to $50,000, with at least one-third of the cost to be borne by the State making the application for funding.

Amendments to the National Science Foundation Act of 1950 are also included in the conference agreement. They clarify the policymaking role of the National Science Board and provide high-level staff assistance for its members. The conference agreement also includes language designed to insure that the Foundation aids in the development of national policies to foster the application of scientific and technical knowledge to the solution of national and international problems, and to authorize the Foundation to provide full support to the White House Office of Science and Technology Policy. The conferees have also urged that the National Science Board broaden its membership to emphasize industrial, technical, and public membership.

Mr. President, the conference agreement merits the full support of the Senate. It includes virtually all of the major policy initiatives which were approved by the Senate, but which were not included in the House bill. We worked in conference for 3 months in order to get our provisions into the final bill. The conference agreement should be cleared for the President's signature as soon as possible so that these new programs and policies can be implemented promptly as the Foundation begins its fiscal year 1977 program.

Mr. ALLEN. Mr. President, I ask for the yeas and nays on the conference report.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Arkansas (Mr. BUMPERS), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Michigan (Mr. PHILIP A. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Vermont (Mr. LEAHY), the Senator from Wyoming (Mr. McGEE), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Illinois (Mr. STEVENSON), the Senator from Florida (Mr. STONE), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Ohio (Mr. GLENN) and the Senator from Montana (Mr. MANSFIELD) are absent on official business.

Mr. GRIFFIN. I announce that the Senator from Maryland (Mr. BEALL), the Senator from Oklahoma (Mr. BELLMON), the Senator from Tennessee (Mr. BROCK), the Senator from New York (Mr. BUCKLEY), the Senator from Nebraska (Mr. CURTIS), the Senator from Kansas (Mr. DOLE), the Senator from New Mexico (Mr. DOMENICI), the Senator from Arizona (Mr. GOLDWATER), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Idaho (Mr. McCLURE), the Senator from Kansas (Mr. PEARSON), the Senator from Vermont (Mr. STAFFORD), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that, if present and voting, the Senator from Oregon (Mr. HATFIELD) would vote "yea."

The result was announced—yeas 67, nays 0, as follows:

[Rollcall Vote No. 647 Leg.]

YEAS—67

Abourezk	Gravel	Nelson
Allen	Griffin	Nunn
Baker	Hansen	Packwood
Bartlett	Hart, Gary	Pastore
Bayh	Hathaway	Pell
Biden	Helms	Percy
Brooke	Hollings	Proxmire
Burdick	Hruska	Randolph
Byrd, Harry F., Jr.	Huddleston	Ribicoff
Byrd, Robert C.	Humphrey	Roth
Cannon	Inouye	Schweiker
Case	Jackson	Scott, Hugh
Church	Javits	Scott, William L.
Clark	Johnston	Sparkman
Culver	Kennedy	Stennis
Durkin	Laxalt	Stevens
Eagleton	Long	Symington
Eastland	Magnuson	Thurmond
Fannin	McClellan	Tower
Fong	McGovern	Weicker
Ford	McIntyre	Williams
Garn	Morgan	Young
	Muskie	

NAYS—0

NOT VOTING—33

Beall	Glenn	Metcalf
Bellmon	Goldwater	Mondale
Bentsen	Hart, Philip A.	Montoya
Brock	Hartke	Moss
Buckley	Haskell	Pearson
Bumpers	Hatfield	Stafford
Chiles	Leahy	Stevenson
Cranston	Mansfield	Stone
Curtis	Mathias	Taft
Dole	McClure	Talmadge
Domenici	McGee	Tunney

So the conference report was agreed to.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. FANNIN). The question recurs on the unfinished business.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to proceed for not to exceed 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTARY EXPENDITURES BY THE COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Order No. 1160 (S. Res. 497).

The PRESIDING OFFICER. The resolution will be stated by title.

The legislative clerk read as follows:

A resolution (S. Res. 497) authorizing supplemental expenditures for the Committee on the Judiciary for inquiry and investigation relating to internal security.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

UP AMENDMENT NO. 484

Mr. GRIFFIN. Mr. President, on behalf of Senator Hatfield and myself, I send an amendment to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. GRIFFIN), for himself and Mr. HATFIELD, proposes unprinted amendment No. 484:

In line 4, strike "$4,209,700" and insert "$4,189,700"; and

In line 6, strike "$295,300", and insert "$275,300".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

S. RES. 497

Resolved, That S. Res. 375, Ninety-fourth Congress, agreed to March 3, 1976, is amended as follows:

(1) in section 2, strike out "$4,109,700" and insert in lieu thereof "$4,189,700".

(2) in section 11, strike out "$195,300" and insert in lieu thereof "$275,300".

Mr. GRIFFIN. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. EASTLAND. I move to lay that motion on the table.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRIFFIN. Mr. President, I thank the acting majority leader.

MINNESOTA VALLEY WILDLIFE REFUGE ACT

Mr. HUMPHREY. Mr. President, I ask unanimous consent to call up H.R. 13374.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 13374) to provide for a national wildlife refuge in the Minnesota River Valley, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Without objection, the committee is discharged from further consideration of the bill, and the Senate will proceed to its immediate consideration.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that we take no more than 2 minutes for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, this bill is known as the Minnesota Valley Wildlife Refuge Act. It was introduced by my esteemed colleague from Minnesota (Mr. MONDALE) and myself and was acted upon in the Senate under S. 2097. The bill, of course, has passed the House and the legislation now before us will consummate the action.

This bill would create the Minnesota River Valley National Wildlife Recreation Area between Fort Snelling and Jordan, Minn.

This proposed refuge and recreation area is exciting for two reasons. First, it is within easy reach of the major metropolitan area of Minneapolis and St. Paul and will provide a vitally needed opportunity for urban residents to easily utilize a wildlife and recreation area. It also provides for the direct involvement of the State and local communities in the development and administration of the refuge and wildlife recreation area. I believe this legislation will meet the needs of our urban residents for an urban wildlife area and preserve wildlife threatened by urban development.

The area is significant for hundreds of species of migratory waterfowl, for Canadian geese which summer in the area, as well as populations of other birds, of deer, and other mammals.

The area's abundant variety of birds is widely appreciated by birdwatchers who come to view the ducks, herons, egret, bald eagles, and other occasional visitors such as pelicans. This variety and abundance of wildlife is unknown to most urban areas and we must preserve and protect this area.

Further, this legislation will not interfere with vital public services for new highways and bridges. Construction and maintenance and improvement will be permitted consistent with economic feasibility, subject to the requirement that there will be a minimum disruption of wildlife.

Navigation, vital to Minnesota agriculture, will not be affected by this legislation.

To be developed over a period of 9 years, the area will provide wildlife-oriented activities to broaden man's understanding and appreciation of the environment and will preserve a critical portion of the Minnesota River Valley with its wildlife and natural habitat, an urban wildlife area for hiking, birdwatching, photography, nature study, hunting, fishing, and other activities.

H.R. 13374 directs the Secretary of the Interior to establish and administer through the U.S. Fish and Wildlife Service a 9,500 acre wildlife refuge and to acquire lands within the boundary of this refuge within 6 years of its enactment.

Adjacent to the refuge and in cooperation with the State of Minnesota will be an 8,000 acre wildlife recreation area. Lands within the recreation area are to be acquired and administered by the State and units of local government in cooperation with the U.S. Fish and Wildlife Service.

The bill authorizes $14,500,000 to be appropriated for fiscal years 1978 through 1983 for acquisition of the refuge and wildlife recreation area lands. In addition, it authorizes to be appropriated $6 million for fiscal years 1978 through 1986 for the development of the area.

Mr. President, I cannot overemphasize the value of this natural resource near our Twin Cities in Minnesota. We now have the opportunity to assure that the pressure of urban development will not deny to future generations the opportunity to enjoy this irreplaceable natural asset.

Mr. FORD. Mr. President, today the Senate will consider H.R. 13374, legislation to create the Minnesota Valley National Wildlife Refuge in the Minneapolis-St. Paul metropolitan area. With several minor changes this bill is identical to legislation reported in June by the Senate Commerce Committee. The Senate bill was sponsored by the distinguished Senators from the State of Minnesota, HUBERT H. HUMPHREY and WALTER F. MONDALE.

Mr. President, last November Senator MONDALE and I traveled to Bloomington, Minn., to preside over a Senate Commerce Committee hearing on the Mondale-Humphrey bill. During the hearing, we took testimony from over 40 witnesses, including the Honorable Wendell R. Anderson, Governor of Minnesota; numerous Federal, State, and local government officials; representatives of the conservation community; and private citizens. After listening to these individuals, it was obvious to me that the refuge proposal had their overwhelming support. It was not until later that day, however, when Senator MONDALE took me to the heart of Minneapolis for a bird's-eye view of the proposed refuge site, that I understood the enthusiasm I had seen earlier that morning.

The Minnesota River Valley is a truly unique environmental resource. It is one of the few river valleys in the Nation that lies so close to a metropolitan area, yet remains in a natural state. The flood plain provides habitat for an abundance of wildlife, including over 275 species of migratory birds, and a variety of mammals, such as the white-tailed deer, the beaver, mink, fox, and raccoon. The valley provides a full range of outdoor recreational opportunities such as hunting, fishing, and wildlife appreciation, that are not usually available to urban residents.

However, the lower Minnesota River Valley, like too many other natural areas of the Nation, is presently threatened by development. If we do not act quickly to save this area from becoming a slab of concrete, asphalt and highrise buildings, the loss to the people of Minnesota, and I believe to the entire country, will be great.

The bill which we are considering today will prevent this loss. H.R. 13374 will direct the Secretary of the Interior to establish and administer, through the U.S. Fish and Wildlife Service, a 9,500 acre wildlife refuge in the lower Minnesota River Valley. A wildlife interpretation center will be constructed on the refuge so that visitors may have an opportunity to study and enjoy wildlife in its natural habitat. In addition, a wildlife recreation area will be established next to the refuge. Here visitors will be able to picnic, hike, and enjoy other types of recreational activities without harming valuable wildlife habitat.

The refuge portion of the area will be acquired and developed by the Secretary, while the recreation lands will be acquired and developed by the State. The legislation provides an authorization of $14.5 million for acquisition of, and $6 million for development of, these areas. The Secretary would be authorized to use a portion of this money to assist the State in the acquisition or the recreation area.

This specific spending authority would not preclude the use of land and water conservation funds for this purpose, however, any grant made in this manner would have to be consistent with the Land and Water Conservation Act and with amendments to that act contained in S. 327, which was recently approved by the Congress and sent to the President for his signature. Moneys appropriated from the land and water conservation fund for Federal purposes are not available for grant programs, so any money appropriated for grants to the State will either come from the general Treasury moneys or from the normal allocation to Minnesota under the State grant portion of the fund. In addition, land and water conservation money may not be used for acquisition of lands that can be purchased with duck stamp money.

Besides providing for the preservation of a unique natural resource, H.R. 13374 is significant in several other respects. First, it calls for the direct involvement of the State and local communities in the conservation of the refuge and recreation area. Since the Minnesota River Valley is "home" for these people, they have a special interest in preserving it. Second, the bill will establish an urban wildlife refuge, of which there are presently only a handful throughout the entire country. Enactment of this legislation will make it possible to fully utilize the wildlife resources of the Minnesota River Valley for the educational and recreational benefits of nearly 2 million people of the Twin Cities metropolitan area.

Mr. President, we owe a special word of thanks to our distinguished colleague, Senator FRITZ MONDALE, who has done so much to bring this bill to where it is today. It was a real pleasure for me to travel to Bloomington with Senator MONDALE and to observe his interaction with his constituents. It was obvious to me that they hold him in high regard. Special recognition is also due the distinguished senior Senator from Minnesota, Senator HUBERT H. HUMPHREY, who, as I mentioned earlier, cosponsored the Senate bill. Congressman LEONOR SULLIVAN, who chairs the House Merchant Marine and Fisheries Committee, and Congressman ROBERT LEGGETT, who chairs the

committee's Fisheries and Wildlife Subcommittee, were particularly skillful in shepherding the measure through the House. Congressmen JAMES L. OBERSTAR, TOM HAGEDORN, and BOB FRENZEL, who sponsored H.R. 13374, were outstanding in their advocacy of the measure.

There are others in Minnesota who also deserve special recognition. Ms. Elaine Mellott, who is cochairman of the Lower Minnesota River Valley Citizens Committee, was particularly helpful in setting up the committee's Bloomington field hearing. The region III office of the U.S. Fish and Wildlife Service was quite helpful to the Commerce Committee and the Merchant Marine Committee in perfecting the proposal. Finally, I would like to express my sincere appreciation to the good people of Minnesota who took the time and effort to inform me and other Members of Congress of their support for the bill.

Mr. President, H.R. 13374 is the culmination of several years of hard work and cooperation between the residents of the Minnesota Valley, and the Federal, State, and local governments. It is a plan which will help to conserve a valuable fish and wildlife resource for future generations of Minnesotans and visitors to that State. I urge its immediate acceptance.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

Mr. HUMPHREY. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. ROBERT C. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent we indefinitely postpone Calendar No. 887, S. 2097.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. I thank the distinguished assistant majority leader for his helpfulness.

Mr. ROBERT C. BYRD. I thank the distinguished Senator.

Mr. HUMPHREY. And my friend, the Senator from Alabama.

ORLANDO GARZON

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3485.

The PRESIDING OFFICER (Mr. FANNIN) laid before the Senate the amendment of the House of Representatives to the bill (S. 3485) for the relief of Orlando Garzon, as follows:

Page 1, line 8, after "Act" insert: "and the provisions of section 245(c) of that Act shall be inapplicable in this case".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the amendment of the House to S. 3485.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

PATRICK ANDRE TASSELIN AND WIFE

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 866.

The PRESIDING OFFICER (Mr. FANNIN) laid before the Senate the amendments of the House of Representatives to the bill (S. 866) for the relief of Patrick Andre Tasselin and his wife, Fabienne Francoise Tasselin, as follows:

Strike out all after the enacting clause, and insert: "That for the purpose of sections 203(a)(4) and 204 of the Immigration and Nationality Act Patrick Andre Tasselin shall be held and considered to be the natural-born alien son of Howard E. Yarborough, a citizen of the United States.".

Amend the title so as to read: "An Act for the relief of Patrick Andre Tasselin".

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate concur in the House amendment to S. 866.

The motion was agreed to.

AMENDMENTS SUBMITTED FOR PRINTING

EXTENSION OF UNEMPLOYMENT COMPENSATION—H.R. 10210

AMENDMENT NO. 2399

(Ordered to be printed and to lie on the table.)

Mr. HUMPHREY (for himself and Mr. MONDALE) submitted an amendment intended to be proposed by them jointly to the bill (H.R. 10210) to require States to extend unemployment compensation coverage to certain previously uncovered workers; to increase the amount of the wages subject to the Federal unemployment tax; to increase the rate of such tax; and for other purposes.

FEDERAL MINE SAFETY AND HEALTH ACT OF 1976—S. 1302

AMENDMENTS NOS. 2400 AND 2401

(Ordered to be printed and to lie on the table.)

Mr. GARN submitted two amendments intended to be proposed by him to the bill (S. 1302) to promote safety and health in the mining industry, and for other purposes.

AMENDMENTS NOS. 2403 AND 2404

(Ordered to be printed and to lie on the table.)

Mr. HANSEN submitted two amendments intended to be proposed by him to the bill (S. 1302), supra.

OMNIBUS RIVERS AND HARBORS ACT—S. 3823

AMENDMENT NO. 2402

(Ordered to be printed and to lie on the table.)

Mr. HUGH SCOTT submitted an amendment intended to be proposed by him to the bill (S. 3823) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

CIVIL RIGHTS ATTORNEYS' FEES AWARDS ACT—S. 2278

AMENDMENT NO. 2405

(Ordered to be printed and to lie on the table.)

Mr. THURMOND (for himself and Mr. WILLIAM L. SCOTT) submitted an amendment intended to be proposed by them jointly in connection with the bill (S. 2278), supra.

AMENDMENTS NOS. 2406 THROUGH 2416

(Ordered to be printed and to lie on the table.)

Mr. THURMOND submitted 11 amendments intended to be proposed by him in connection with the bill (S. 2278), supra.

AMENDMENTS NOS. 2418 THROUGH 2439

(Ordered to be printed and to lie on the table.)

Mr. ALLEN submitted 22 amendments intended to be proposed by him in connection with the bill (S. 2278), supra.

BRETTON WOODS AGREEMENTS ACT—H.R. 13955

AMENDMENT NO. 2440

(Ordered to be printed and to lie on the table.)

Mr. PERCY submitted an amendment intended to be proposed by him to the bill (H.R. 13955) to provide for amendment of the Bretton Woods Agreements Act, and for other purposes.

BLACK LUNG BENEFITS PROGRAM—H.R. 10760

AMENDMENTS NOS. 2441 AND 2442

(Ordered to be printed and to lie on the table.)

Mr. LONG submitted two amendments intended to be proposed by him to the bill (H.R. 10760) to amend the Federal Coal Mine Health and Safety Act to revise the black lung benefits program established under such act in order to transfer the residual liability for the payment of benefits under such program from the Federal Government to the coal industry, and for other purposes.

SUSPENSION OF IMPORT DUTY ON CERTAIN HORSES—H.R. 9401

AMENDMENT NO. 2443

(Ordered to be printed and to lie on the table.)

Mr. HUGH SCOTT. Mr. President, I am submitting an amendment today to amend the tariff schedules of the United States to provide that certain netting belts used in connection with the growing and harvesting of mushrooms be admitted free of duty.

Each netting belt is an integral part of a machine used for the growing and harvesting of mushrooms and the machine itself is imported from the Netherlands free of duty. It has been ascertained that these belts are not available from a domestic source.

By so amending the tariff schedules of the United States, the mushroom industry of this country, presently under great pressure from foreign markets, would be

equitably assisted in its efforts to expand its share of its rightful market.

PARIMUTUEL WAGERING ON HORSERACING—H.R. 14071

AMENDMENTS NOS. 2444, 2445, AND 2446

(Ordered to be printed and to lie on the table.)

Mr. KENNEDY (for himself and Mr. JAVITS) submitted three amendments intended to be proposed by them to the bill (H.R. 14071) to regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry and for other purposes.

REPORTS OF THE COMMITTEE ON APPROPRIATIONS

The following reports from the Committee on Appropriations were submitted.

By Mr. MAGNUSON:

Without amendment:

S. Res. 554. A resolution disapproving the deferral of certain budget authority relating to the Rogers Memorial or Capitol Hill Hospital (Rept. No. 94-1300).

By Mr. McCLELLAN:

With amendments:

H.J. Res. 1096. A joint resolution making supplemental appropriations for the Department of Defense for the repair and replacement of facilities on Guam damaged or destroyed by Typhoon Pamela, and for other purposes (Rept. No. 94-1301).

REPORTS OF COMMITTEES

By unanimous consent, the following reports of committees were submitted:

By Mr. LONG, from the Committee on Finance:

With amendments:

H.R. 10760. An act to amend the Federal Coal Mine Health and Safety Act to revise the black lung benefits program established under such act in order to transfer the residual liability for the payment of benefits under such program from the Federal Government to the coal industry, and for other purposes (together with minority views) (Rept. No. 94-1303).

By Mr. INOUYE, from the Select Committee on Intelligence:

Without amendment:

H.R. 13615. An act to amend the Central Intelligence Agency Retirement Act of 1964 for certain employees, as amended, and for other purposes (Rept. No. 94-1304).

TOXIC SUBSTANCES CONTROL ACT — CONFERENCE REPORT (REPT. NO. 94-1302)

Mr. MAGNUSON submitted a report from the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 3149) to regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes, which was ordered to be printed.

ALLOCATION OF BUDGET TOTALS—REPORT NO. 94-1308

Mr. LONG, from the Committee on Finance, submitted a report entitled "Allocation of Budget Totals for Fiscal Year 1977—Second Concurrent Resolution on the Budget," which was ordered to be printed.

AUTHORIZATION FOR ADDITIONAL STATEMENTS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all Senators may have statements printed in the RECORD today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

JUSTICE LEWIS F. POWELL, JR.

Mr. HARRY F. BYRD, JR. Mr. President, in its monthly publication, Richmond magazine, the Metropolitan Richmond Chamber of Commerce has done a splended article on U.S. Supreme Court Justice Lewis F. Powell, Jr.

Entitled "Going Full Blast At A Job He Didn't Want," the Richmond magazine article gives a most thoughtful profile of the latest in a long and distinguished line of Virginians who have responded with great distinction to that high bench.

One of the finest, succinct descriptions of Mr. Justice Powell's credentials was that made by Ms. Jean Camper Cahn, who, as an employee of the Office of Economic Opportunity, testified in 1971 at his confirmation hearing:

> He has come to symbolize the best that the profession has to offer—a man imbued, even driven, by a sense of duty, with a passion for the law—the embodiment of man's ordered quest for dignity. Yet he is a man so curiously shy, so deeply sensitive to the hurt or embarrassment of another, so self-effacing, that it is difficult to reconcile the public and private man—the honors and the acclaim with the gentle, courteous, sensitive spirit that one senses in every conversation, no matter how casual . . .

The article notes his strong, forthright support for the free-enterprise system and his willingness to defend an orderly system of laws, patriotism, loyalty, and duty, both in his judicial opinions and in his private pronouncements.

As a conclusion to this thoughtful piece, the Richmond magazine editors have chosen a statement by Mr. Justice Powell which I believe to be one of the most revealing of the character of this great man—a Virginian of whom I am most proud and in whom I know all Virginians take great pride. In his 1972 address to the American Bar Association, Mr. Justice Powell said:

> And as to values, I was taught—and still believe—that a sense of honor is necessary to personal self-respect; that duty, recognizing an individual' s subordination to community welfare, is as important as rights; that loyalty, which is based on the trustworthiness of honorable men, is still a virtue; and that work and self-discipline are as essential to individual happiness as they are to a viable society. Indeed, I still believe in patriotism—not if it is limited to parades and flag-waving, but because worthy national goals and aspirations can be realized only through love of country and a desire to be a responsible citizen.

The editor of Richmond magazine is M. Kathleen Fair. Arthur J. Schultz is the general manager of that publication. Richard A. Velz is the chairman of the magazine advisory committee of the Metropolitan Richmond Chamber of Commerce.

I ask unanimous consent that the article on U.S. Supreme Court Justice Lewis F. Powell, Jr., from the September issue of Richmond magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

JUSTICE LEWIS POWELL: GOING FULL BLAST AT A JOB HE DIDN'T WANT

To many, the job of Associate Justice of the United States Supreme Court may seem like the ideal—relatively few days in court, the dignity that goes with those black robes and richly panelled chambers, the time to reflect and ponder decisions that may have far-reaching impact on generations to come, and of course, the guarantee of job tenure for life.

This is not the light in which Lewis F. Powell Jr. of Richmond saw the high court in 1969, when he wrote then-Attorney General John Mitchell, asking that he not be considered for an appointment to the Supreme Court.

"I had thought about it," Powell recalls, "and I didn't want to be a judge or to have any political job." Two years later, after being asked by President Nixon to accept appointment, he reluctantly agreed . . . "one doesn't turn the President down lightly."

Today, after nearly five years on the bench of the High Court, and after becoming a leader of the justices, he still has his misgivings about the post, and can shoot holes in the myth the public holds of the job.

First of all, the easy pace some might assume is just not there for Justice Powell. Coming on the court at age 64, after a career of working six and often seven days a week as a partner in the Richmond law firm of Hunton, Williams, Gay, Powell and Gibson, he found no reason to alter his working habits. Even during the two-month recess in July and August, Powell found no respite from his work, but merely moved the workload from Washington to borrowed offices in Richmond's U.S. Court of Appeals—and to his home in Windsor Farms. While on "vacation" this summer, Powell studied nearly 1,000 petitions to the Supreme Court.

The time for reflection and pondering is just not there, Powell has often asserted, for the case load on the Justices and their law clerks does not permit the luxury of reflection—indeed, it seldom permits the informal debate of the justices Powell deems necessary. Although he has often said that he does not particularly enjoy being a Supreme Court Justice, he throws himself into his work, and has written more opinions each session than most of his colleagues.

Why hasn't he enjoyed this work? Certainly, it has not been the workload, for he has been accustomed to long hours and short week-ends most of his working life. Rather, it is the detachment demanded by the post that forces him to remain aloof from the fray.

As an attorney, Powell delighted in the combat of the courtroom, and enjoyed advocating strenuously for his position. Indeed, he has often said that there is nothing he would rather have been than a professional athlete because every contest has a quick outcome and because athletes are idols and heroes to a nation. Powell's former law clerk, J. Harvey Wilkinson III, recalled this in his book, *Serving Justice*, and countered that being a Supreme Court Justice is more desirable because justices are not injury-prone, don't have to negotiate new contracts each year and don't get booed when they come off

the field. Powell, an avid sports fan, liked the analogy, but laughingly pointed out that while the lasting contribution of a Supreme Court Justice could be considerable compared to that of the professional athlete, that for the jurist "nobody ever retires your number."

The neutrality and aloofness demanded of the justices of the High Court has tremendous impact upon their personal lives. Unlike some of the other justices, Powell had not been a judge before his appointment to the Supreme Court, and the isolation that comes with the job is something to which he has never fully adjusted. As an attorney, he and his wife, Jo, led an active social life in Richmond. He has little social life in Washington at all. The Powells seldom go to parties there, belong to no social clubs in the capital, and he seldom even has lunch with friends who are lawyers, since it would take more time than he allots himself for lunch. For that reason, he usually eats in the court cafeteria or at his desk, adding to the "demanding and cloistered" isolation that he has likened to being in a monastery.

He sees relatively little of the outside world, and has wistfully said that life now is a constant "trip between basements", from the basement parking lot of his apartment to the underground parking area at the Supreme Court. While his schedule does not permit him to pursue his favorite exercise—tennis—he confines his exercise to pacing a measured path of hallways in the Supreme Court building, averaging a mile per day.

He keeps in touch with the world by consuming two Washington newspapers and the *New York Times* daily plus reading clippings sent him from Richmond by his wife's mother. He also reads three weekly news magazines and listens to a Washington all-news radio station. "The only television I look at with any regularity is sports," he said.

Many observers have considered Powell to be both the most intellectual and moderate of the justices, and yet he does not think that his background would meet his own criteria for appointment to the High Court.

"If I could write the specifications for a man to sit on this court, apart from his basic intellectual equipment and integrity, he should have practiced law, he should have had some experience in government at the federal level and he should have been a lower court Federal judge," Powell said, noting that the only one of those specifications "I'm sure of is that I practiced law, and I did that a long time."

While Powell had not previously been a judge, he had served as a corporate attorney for 33 years, was a director of 11 large corporations including Philip Morris Inc., Ethyl Corporations and Chesapeake & Potomac Telephone Co., and had risen to heights of respect among his peers, serving as president of the American Bar Association, the American College of Trial Lawyers and the American Bar Foundation, and as a member of the U.S. Crime Commission.

Powell's background served him well to prepare for the varied issues that have faced the court. Born Sept. 19, 1907, in Suffolk, the son of the owner of the David M. Lea furniture company, he attended both the public John Marshall High School and the private McGuire's University School. There he developed an interest in history, which eventually convinced him that soldiers and lawyers have done the most in the world and that the law should be his career.

He went to Washington & Lee because he wanted to play sports, but "...I was too skinny and after I saw it was hopeless, I went out for manager of the football team and earned a letter that way my senior year."

Following law school, Powell entered the Air Force as a lieutenant, was assigned to combat intelligence and eventually became a colonel.

After the war, he practiced law, and then became involved in grass roots government, first as chairman of the charter commission that gave Richmond its council-manager form of government, and then as a member of the Richmond and Virginia school boards. He served on the Richmond school board 11 years—nine as chairman—and those were the years that were the trying times of massive resistance, and his leadership brought him both praise and damnation.

When the U.S. Senate conducted hearings for his confirmation to the Supreme Court in 1971, some detractors spoke out against his civil rights viewpoints, and expressed concern that he would become a Southern voice on the court.

Indeed, while some black leaders had mixed emotions about his appointment, a black woman, Jean Camper Cahn who at the time was with the Office of Economic Opportunity, eloquently told the Senate panel:

"He has come to symbolize the best that the profession has to offer—a man imbued, even driven, by a sense of duty, with a passion for the law—the embodiment of man's ordered quest for dignity. Yet he is a man so curiously shy, so deeply sensitive to the hurt or embarrassment of another, so self-effacing, that it is difficult to reconcile the public and private man—the honors and the acclaim with the gentle, courteous, sensitive spirit that one senses in every conversation, no matter how casual..."

While he is from the South and a genteel man, Powell has never seen himself as "the Southerner" on the Court. In fact, he says he does not find it necessary to have members of the court from different parts of the country, but rather that they come from varying backgrounds of the practicing bar, government and political service.

He has not proven to be the Southern conservative in his court opinions, either, but has become perhaps the most moderate of the nine justices, most often providing the moderate opinion.

There, are however, some issues upon which he is not moderate. Perhaps due to his long involvement in corporate matters, he is a staunch supporter of the free enterprise system and has often spoken and written of the dangers of attacks upon that system.

Likewise, law and order and patriotism, loyalty and duty are points that he is quick to defend.

Earlier this year, he stunned many during a marathon session concerning capital punishment when he boldly indicated his support of the death penalty. Without raising his soft voice, Powell, who is known for his gentleness and restraint, cited FBI statistics showing a 50 per cent increase in the homicide rate during the past five years and said:

"It is perfectly obvious from these figures that we need some way to deter the slaughter of Americans. I use the term because that was the term used to describe the Vietnam war, and more Americans have been killed in the streets of this country than were killed on the battlefields of Vietnam."

Addressing the American Bar Association in 1972, Powell said:

"And as to values, I was taught—and still believe—that a sense of honor is necessary to personal self-respect; that duty, recognizing an individual's subordination to community welfare, is as important as rights; that loyalty, which is based on the trustworthiness of honorable men, is still a virtue; and that work and self-discipline are as essential to individual happiness as they are to a viable society. Indeed, I still believe in patriotism—not if it is limited to parades and flag-waving, but because worthy national goals and aspirations can be realized only through love of country and a desire to be a responsible citizen."

These strong feelings about the free enterprise system, patriotism and law and order are keys to why this man accepted a job to which he never really aspired. He says he accepted the appointment to the Supreme Court because it was his duty and that offered the opportunity again, it would not have altered that decision. It has been an exhilarating and stimulating experience for him since the issues presented to the Supreme Court are large, complex ones which confront and affect the condition of the nation, and in some cases, the entire world.

GULF OIL PAYMENT ALLEGATIONS

Mr. ROTH. Mr. President, I am very disappointed by the Senate Ethics Committee's vote last week against further inquiry into the charges that certain Members of Congress accepted illegal payments from Gulf Oil.

To leave these charges hanging and unresolved is, in my mind, neither fair to the public nor to those who have been accused of wrongdoing. I am disappointed that the committee did not follow the recommendations of Senator BROOKE. If the charges cannot be substantiated, that should be determined, and if they can be substantiated, that should also be determined. The only way to do so is to conduct a full inquiry and call relevant witnesses.

There has been a lot of talk about how Congress needs to regain the confidence of the public. The Ethic Committee's vote moves in precisely the opposite direction.

If there is any lesson the Congress should have learned in the past few years, it is that questions of ethics cannot be swept under the rug.

As I pointed out on this floor 3 months ago, the Congress has been using a double standard of ethics. It is more than ready to investigate allegations of wrongdoing by the executive branch and the private sector, but it has been most reluctant to clean up its own Houses. We are quite content to let somebody else, like the Department of Justice, do the job.

I was a freshman Member of the House of Representatives when the House Committee on Standards of Official Conduct was established, and my Senate colleague, former Senator John Williams, was deeply involved in the creation of its counterpart in the Senate. I shared in the enthusiasm of that time and in the hope that the new committees would be an effective means of enforcing the highest standards of conduct by the Members of Congress.

After some 10 years, time and events have proved this experiment a failure.

Certainly a major part of the problem is that members of these committees are put in a very difficult position in judging colleagues and friends, the people with whom they must work every day on other matters. It is hard for any institution to investigate itself. We recognized this when we established the Office of Special Prosecutor to investigate the Watergate affair rather than permitting the administration to conduct its own investigation.

We must recognize that the same kinds of conflicts of interest and affection hold true of the Congress.

The Select Committee To Study the Senate Committee System, the Commission on Operation of the Senate, and other bodies now studying congressional reform should give close attention to the problem of improving the system by which congressional ethics are established and enforced.

My suggestion is that a new ethics committee should be created outside the Congress, a committee composed of retired Members of Congress. It should consist of men and women of proven integrity, individuals of the caliber of a John Williams or a MIKE MANSFIELD, a Margaret Chase Smith or a PHIL HART.

They should be men and women the public knows and has confidence in. They should be men and women any Senator or Member of the House knows would act with utmost fairness and without regard to political affiliation. They should be men and women familiar with the operations of Congress, but not in a position of having to deal with Members of Congress on a day-to-day business basis.

I believe that such a panel of dedicated and respected men and women would be an effective tool for insuring the standards the public has a right to expect of its elected officials.

THE WILD FREE-ROAMING HORSES AND BURROS ACT

Mr. ABOUREZK. Mr. President, the Congress in 1971 passed the Wild Free-Roaming Horses and Burros Act to protect America's remaining wild horses and burros on Federal land from harassment capture, or death. That act has been successful insofar as stopping individual trespassers from entering upon the public's land to round up wild horses for shipment to slaughterhouses for dog food. However, Mr. President, over the past 5 years we have found that by charging the Bureau of Land Management with the administration of this act to preserve wild horses, Congress may have placed the "fox in the hen house to guard the chickens". Although private trespass has been all but abated, the Bureau of Land Management appears to have mistaken Congress' intent to protect our wild horses for all the citizens of these United States. Under the guise of "management," the Bureau of Land Management every year since the act was passed, has been involved in rounding up wild horses from the public lands. These roundups have been deemed removals and have been allegedly held because of overpopulation of these wild herds on Federal lands.

The American Horse Protection Association, a valiant nonprofit organization dedicated solely to the welfare of both wild and domestic horses, has raised the only voice in opposition to the abhorrent policies of the Bureau of Land Management as they have decreased the numbers of the wild horses whose preservation we have entrusted to them. But the patience and perseverence of the American Horse Protection Association, their lovely president, Mrs. Joan Blue, and their well-known vice chairman, Mr. Lorne Greene—has finally met with success.

Judge Charles R. Richey, U.S. District Judge, U.S. Court for the District of Columbia, ruled in the recent case of American Horse Protection Association, et al, plaintiffs, against Thomas Kleppe, et al, defendants, that the Bureau of Land Management's proposed roundup of 260 wild horses on the public lands in Idaho was illegal. Judge Richey, in reading the 1971 act as Congress meant it to be read, issued a permanent injunction against the Bureau of Land Management's proposed roundup. He found, as matter of law, that the BLM's proposal was arbitrary, capricious, and contrary to the clear mandate of the statute. Judge Richey's opinion has language which should be of interest to both the Congress, who passed the act, and the Bureau of Land Management, which Congress intended to properly administer the act.

Both Judge Richey and the American Horse Protection Association deserve Congress' thanks for their equally important roles in helping to protect and preserve part of America's heritage—the last of the wild, free-roaming horses.

I ask unanimous consent that the opinion of the Honorable Charles R. Richey be printed in the RECORD.

There being no objection, the opinion was ordered to be printed in the RECORD, as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 76–1455, Washington, D.C., September 1, 1976]

AMERICAN HORSE PROTECTION ASSOCIATION, ET AL., PLAINTIFFS, V. THOMAS KLEPPE, ET AL., DEFENDANTS.

The above-entitled matter came on for hearing before the Honorable Charles R. Richey, United States District Judge, at 2:00 o'clock p.m.

APPEARANCES

For the Plaintiffs: Robert C. McCandless, Esq., Bernard Fensterwald, Esq., Roger Kindler, Esq., and Russell Gaspar, Esq.

For the Defendants: John E. Lindskold, Esq., Assistant United States Attorney.

EXTRACT FROM TRANSCRIPT OF PROCEEDINGS (OPINION ONLY)

The COURT. The Court has before it today for decision this action brought by the American Horse Protection Association, which is a non-profit corporation under the laws of Virginia, with offices at 3316 N Street, Northwest, and also brought by the Humane Society of the United States, another nonprofit corporation organized under the laws of Delaware, with offices at 2100 L Street, Northwest, of this city.

These two plaintiffs have brought suit against the Secretary of the Department of Interior, Mr. Curtis Berklund, who is the Director of the Bureau of Land Management of the Department of the Interior; Mr. George Turcott, Associate Director of the BLM in the Interior Department; Miss Kay Wilkes, the Chief of the Division of Range of the Bureau of Land Management; and Mr. William L. Matthews, the State Director of the Idaho State office of the Bureau of Land Management of the Department of the Interior at Boise, Idaho; and Glen E. Ford, the Acting Manager of the Salmon District of the BLM, again, Salmon, Idaho.

The action asks the Court to grant a declaratory judgment and to declare that the proposed round-up is illegal and to prevent the implementation of the contract for the round-up and, in effect, to declare it not in accordance with the law and, therefore, null and void.

The plaintiff organizations also ask the Court for an injunction to enjoin the proposed round-up for the Challis Planning Unit until the two statutes that are involved in this case: namely, the Wild Free-Roaming Horses and Burros Act of 1971, and the National Environmental Protection Act, have been complied with in all respects.

There are other statutes mentioned in the complaint and the other pleadings, but those are the key ones with which we are here concerned.

The Court has listened carefully to all of the testimony by the various witnesses who have come here to Washington, some from great distances on both sides, and has examined the record, the briefs, and the pleadings, and listened carefully, as carefully as possible, to the arguments today; not only today, but throughout the hearing, of able counsel on both sides.

The Court, incidentally and parenthetically, at this point wishes to take this opportunity to thank plaintiffs' counsel for its courtesy to the Court and for its good work and craftsmanship.

The Court would like to do the same with respect to Government counsel.

I think all too often the public representatives are the forgotten and unsung heroes of our legal fraternity, and when they do a good job, they deserve, and should have, the commendation of the Court.

The Court wishes to extend the same appreciation to Government counsel.

Now, based on the considerations that I have enumerated just a few moments ago, the Court has decided to announce in an abbreviated fashion its conclusion and will file within the next few days, or maybe sooner, more copious findings and conclusions of law and issue a judgment in this case. But they will be consistent with what I am about to announce from the bench now.

First, this Court does have jurisdiction to hear and determine this case pursuant to 28 United States Code Section 1331, and the Administrative Procedures Act, as set forth in 5 United States Code Section 702.

The Court finds that the mandate of Section 3(a) of the Wild Free-Roaming Horses and Burros Act of 1971, as codified in 16 U.S.C. 1331(a), which provides that all management activities shall be at the minimum feasible level, requires, at a minimum, that before any round-up of horses or other significant management activity is undertaken, careful and detailed consideration must be given to all alternative courses of action that would have a less severe impact on the wild-horse population.

The alternative of restricting livestock grazing on the critical winter-range areas is such an alternative and would permit more horses to be left "unmanaged" in the region that is here involved, namely, the Challis Region, and would, thus, result in a lower level of management activity.

The other alternative of restricting livestock grazing—or the alternative of restricting livestock grazing—and the Court so finds—on the winter-range areas is not so impractical, particularly in the light of the alternatives that have been presented and discussed here in this court, and those which were actually considered by the defendants.

And it appears to the Court—and the Court, again, so finds—that the defendants have not given this alternative: namely, of restricting livestock grazing on the winter-range areas, the full and careful consideration that is mandated by the 1971 Wild Free-Roaming Horse and Burros Act.

And this failure to give this alternative the full and careful consideration required by the Act, in the opinion of this Court, renders the proposed action here not only arbitrary and capricious in the legal sense, but constitutes an abuse of discretion and makes the

proposal contrary to the clear mandate of the statute, which I quoted a moment ago: namely, to keep all management activities at the minimum feasible level.

The defendants' determination that this Challis Region is overpopulated, and, thus, requires the removal of wild horses, requires a balancing of the data submitted to the Court by both sides, an evaluation of the data submitted to the Court by both sides, and also, most importantly, an evaluation of their credibility.

Now, taking those factors into account, the determination that this region, namely, the Challis Region, is overpopulated, and, thus, requires the removal of some various number of horses and there have been many different numbers suggested by different witnesses—taking all of these factors into consideration, the Court finds that, insofar as the Government's determination and their two basic planning documents are concerned, that they were based on inadequate or incorrect data.

The Court further finds that no reliable, up-to-date, population inventories have been made and conducted on which this Court can rely.

And it further finds that the formula for projecting the present herd size on the basis of the 1975 inventory utilized a reproduction ratio which is unsupported by, and, in fact, contradictory to, the evidence presented in this Court.

Accordingly, the determination of the number of horses to be removed in the round-up plan, in the opinion of this Court, at least, was arbitrary and capricious; and the decision to proceed with the round-up at the present time on the basis of this inadequate data was, and is, or does constitute, an abuse of discretion by the various defendants.

Now, they could have given—and the Court finds that they should have given—consideration, in both the wild horse management plan and the environmental analysis record, to what the Court finds were other, less drastic means of population control.

And, therefore, again, it must be said—and the Court so finds—that the prepared round-up here involved was arbitrary and capricious, constituted an abuse of discretion on the part of the Government defendants, and is contrary to the mandate of the statute enacted by the Congress in 1971.

The Court also is very, very troubled—and the geography is no excuse, in the opinion of this Court, when we are dealing with any endangered species or resource which has life—there is no reason for the defendants not to have planned for, and had available, the kind of professional veterinary assistance on site, as distinguished from at least 30 miles, or whatever distance it was, and the evidence is not clear at all on this point, during the round-up.

And their failure to make provisions for this, again, in the light of the testimony that injuries do occur during the course of even the most humane type of round-up, was the kind of conduct that makes this proposed round-up plan not only contrary to Section 3(b) of the Wild Horses Act, but also requires removal measures, if this is ever to be done in the future, under more humane conditions and care.

That would include, as the Court has already indicated, having veterinarians on site.

It might also be said, in this connection, that the arrangements, the casual arrangements, that were made in this connection with respect to veterinary care make this proposed action not only arbitrary and capricious, but, in the opinion of this Court, constituted a serious abuse of discretion. I hope it will not happen again in any other region, or even in this region.

Now, there can be no question, gentlemen, but that restricting livestock grazing on the critical winter-range areas in order to allow the Challis Region to sustain more wild horses is one alternative to the livestock grazing plans currently contained in this BLM draft for livestock grazing in the Challis Region.

And because the impact statement is in the so-called draft stage at this point and because my distinguished colleague, Judge Flannery, has continuing jurisdiction over the preparation and review of the BLM livestock grazing impact statements, the Court finds that it would be premature and improper to rule on the inadequacy, or alleged inadequacy, of the draft environmental impact statement for this particular Challis Region.

However, the Court concludes that, to permit the proposed round-up, as I have already indicated, to proceed during the pendency of the EIS review process would eliminate one major alternative to the grazing allotments plan proposed in that statement and would, thus, distort, perhaps forever, the analysis of costs and benefits mandated by, and required in, the other Act that is here involved, namely, the National Environmental Policy Act.

Accordingly, the decision to proceed with the proposed round-up at this time is for this additional reason not going to be permitted, and the Court will issue a declaratory judgment holding that the proposed round-up is not only illegal, but it will set aside any contract as being contrary to law, or issue a declaration that any contract to, or for, a private contractor's benefit to conduct the round-up is contrary to law and null and void, and it will enjoin any proposed round-up for the Challis Planning Unit, at least until both of these statutes, namely, the NEPA statute, the National Environmental Policy Act, and the Wild Free-Roaming Horses and Burros Act of 1971, have been complied with in all respects.

This will be put in the form of a final order and judgment as will be the findings of fact that have not been mentioned. They will be more extensive than this, but they will be consistent with what I have just said. That will be issued promptly by the Court.

As I said yesterday, I think you are entitled to know how the Court evaluated the evidence, as well as the credibility of the witnesses, and this is the Court's decision. Thank you very much.

(Whereupon, at 3:20 O'Clock, P.M., the Court adjourned.)

THE EDUCATION OF ELDRIDGE CLEAVER

Mr. PERCY. Mr. President, many of the Members of this body, I am sure, have noted the news articles relating to the return of Eldridge Cleaver and his family to the United States. However, the important point is not that Eldridge Cleaver returned, but why he returned. It seems that Mr. Cleaver's exile was an exploration into the political realities of other institutional systems that exist on this globe for the purpose of governing people. His exile became an on-the-road education in politics. In short, after 7 years of exposure to communism and repressive Socialist regimes, Mr. Cleaver chose to return to the United States. He did not return because our system is perfect, or even necessarily the best. He returned, apparently, because in our political system there is a chance to bring about change. Mr. Cleaver left this country as a revolutionary and apparently returned as a democrat. He seems now in a frame of mind to appreciate more fully and to concur with Winston Churchill's conclusion that—

No one pretends that democracy is perfect or all wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.

I have often said that I felt communism erodes the soul and corrodes the spirit of man. In a recent interview in the Washington Post, Mr. Cleaver put it more succinctly:

In a strange way, it was Christian and not Marxist values that I had to draw on, even in the Panthers.

Marxist politics did not provide a base for the critical value judgments necessary in the political process. It was, and is, according to Mr. Cleaver, an incomplete political philosophy. Mr. Cleaver came to learn that the dictatorship of the proletariat never ends.

I welcome Mr. Cleaver's return, if he does return as a true democrat. While his immediate fate will be determined in the courts, I hope in the future that the leadership, pride, and fire that molded the Panthers will be applied to the democratic process. Mr. Cleaver's dream may be different than mine, but we can both work together to improve the process through which those dreams are achieved. It is this process which is our most valued asset.

Mr. President, I ask unanimous consent that two articles reflecting Mr. Cleaver's current political thoughts be printed in the RECORD. The first article appeared in the Washington Post on September 1, 1976, and the second article in the September/October issue of the Humanist magazine.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Sept. 1, 1976]

ELDRIDGE CLEAVER AT EXILE'S END

(By Henry Mitchell)

"Today's my birthday," said Eldridge Cleaver over his fourth croissant at breakfast in the Mayflower Hotel yesterday, "and I'm 41."

There was a time in the late '60s when it seemed chancy that he would ever reach such a milestone. As the author of "Soul On Ice," and chief rhetorician for the Black Panthers with talk of guns and revolution and killing "pigs," he was anathema to J. Edgar Hoover, the FBI and the Nixon Administration. (Vice President Spiro Agnew was especially outraged by Cleaver's invitation to talk at the University of California.)

Then came a split within the Black Panther Party and its two main leaders, Huey Newton and Eldridge Cleaver, suddenly were enemies.

Cleaver says the split never would have occurred except for FBI efforts to spread lies within the Panther organization. FBI irregularities in handling the Black Panthers, who were seen as a national threat at the time, have been documented by the Senate Intelligence Committee report on abuses within the FBI and the CIA.

Now Cleaver is voluntarily back in the United States to face court action on a shootout that occurred April 6, 1968, between three carloads of Panthers and some Oakland, Calif., police. If found guilty, he says the maximum sentence could be 72 years in jail, or "more than I can handle."

When he surrendered last November, Cleaver returned from France and a seven-year exile that began when he fled in November 1968 to escape going to jail for parole violation (unconnected with the shootout and since dropped as a charge).

He immediately was sent to jail upon his return to await the next step of the judicial process, and made bail only on Aug. 13.

His recent freedom brought him to Washington the past four days to appear on "Meet the Press," "Good Morning America," and to see persons who are friendly or useful to him. He must return Sept. 30 for a court hearing at which a trial date may be set, or as he hopes, charges concerning the shooting will be dismissed.

"Some people say I must have made a deal, to come back voluntarily when I could have stayed legally in France. They have frozen me in my image of the '60s. They come down on you with all four feet, because there have been transformations in me they don't believe or don't understand.

"But the only deal I made, coming back to face arrest, was for the federal government to guarantee my personal safety against the Oakland police and Alameda County sheriff's office. That's the only deal there was."

Unless you count another thing he says: "I made a deal with Jesus Christ."

But if you spend a few hours with Cleaver during a few days, that remark sounds deceptively simple. It gives no hint of the tormented self-appraisal he describes, one that has led to a change in Cleaver that appears more radical than his work with the Panthers. It is the special case of the symbol turned away from its first meaning.

In November 1968, Cleaver fled to Montreal and got a plane to Cuba, a country he praised since Fidel Castro's take-over, and where Cleaver thought racism did not exist.

He says he soon was disillusioned. Just beneath the progressive surface, he says he found racism and repression.

He thought blacks were no better off in Cuba than in South Africa, and he says he noticed that even African style hair was severely frowned on, and trucks went about with barbers to cut it off.

"I learned a lot from the accusations they made against me in Cuba," he said. "I had no intention of making any trouble in Cuba, but I was under strict surveillance, and they said I was plotting with black militants. In that way I learned there were black militant movements in Cuba. There were blacks who never followed Castro down from his mountains."

After some months he went to Algeria, where he saw boys throwing rocks at black women and shouting contemptuous names at them.

He thought the "racism" there was so deep it was not even noticed, and that blacks were not supposed to stand straight and stride easily as they do in the United States. It took him some time, he says, to figure out he was called arrogant because he held himself like a man.

"And the bureaucrats—each petty official gives you a hard time, and it's calculated to drive you up the wall. Talk about a government of laws, not men—there it is every petty official and you're at his mercy.

"Nobody ever heard me say anything about Yankee ingenuity or American know-how, but it's true. They take forever to do something Americans would do right away. I wound up saying America is God's country."

Increasingly disillusioned with what he saw when he talked to ordinary people in those countries, Cleaver says he learned that "modern police are the same everywhere, and they all know how to torture—it takes a special kind of character not to do that."

He still smarted from what he felt was the injustice of his parole revocation, and despite his growing disillusionment with socialist countries he had been prepared to admire, he still felt intensely bitter about the United States.

He visited Moscow in July 1970, and later that month went to North Korea. He made a three-week trip to the People's Republic of China, North Vietnam and North Korea in August and September 1970—and everywhere he bad-mouthed America and saw merit in Communist systems.

But he returned to Algeria where his dissatisfaction with that Arab state grew. He finally found asylum in April 1973, in France.

But, he was unprepared in France for something he had not counted on. He became homesick for America.

His son, Maceo, now 7, cared nothing for American football, which always had been important to Eldridge Cleaver. Cleaver had taken his old high school football shoes with him into exile. He kept them hanging on the wall, wherever he went.

The years passed, and the Vietnam war ended. Nixon and Agnew were discredited. More blacks began to enter politics and the whole climate for blacks had changed, Cleaver thought.

"And there I was in France, comfortable enough but sitting like a bump on a log, meaning nothing to France and France nothing to me. I liked watching France, but I am not a Frenchman, it's not my country.

"I would see American blacks rising in the Democratic party and I was glad, and I'd say to myself, they will be able to help me get back to America.

"But then I saw they were not interested in having me back."

Once, years ago, he had been seriously depressed while in jail, and the prisoner in the cell above him hanged himself.

"There was a lot of commotion, with people running in cutting him down and opening doors. I heard a man say 'Well, now he is free' and I thought about that.

"I wondered if he was free. I wanted to be free, and I wondered if that was a way to do it. In the end, I rejected it.

"That was in prison. But in France I began feeling the same kind of depression again. We had a place in Paris, then I had an apartment down on the Mediterranean near Nice, at a place called Rocheville.

"I found myself going down there more and more, alone. I had my books down there. I got to thinking maybe Kathleen and the children would be better off if I was not around. If I ceased to exist.

"They could come back to America, I couldn't. I would think, 'I am standing in the way of what is best for them.' And it would bother me, because I realized this was just the way I had felt in prison, when the man hanged himself."

In early childhood, Cleaver's mother made him learn the 23d Psalm and the Lord's Prayer, but he never paid much attention to religion.

His father was a singer and a waiter at men's clubs in Little Rock, and later the father became a waiter on a crack railroad train, the Super Chief. As Cleaver remembers it, his father had a home at each end of the line, and his parents were divorced. From the time Cleaver was 10 until he was 16, he says his father was out of the picture.

"I remember him as tall, and good with the piano and with a switch. I used to dream of growing up so I could beat him up. Finally when I did grow up, he seemed to me just an old man. He used to play the piano for Dick Powell, in Arkansas, when Powell was a singer, but then Powell went to Hollywood and my father stayed behind."

At about the age of 8, Cleaver and his family moved to Los Angeles, and they lived in the suburbs where there was grass and hills and sun. He remembers football and dogs and fishing. But by age 18, he was in jail on a marijuana charge; he later returned to prison for assault, serving until 1966 when he was paroled and then joined the Panthers.

In France he thought of his past, and of his children, both born abroad in his exile, and how Maceo (named for the Cuban independence figure) paid no attention to his football shoes and was using "French gestures"—and the whole business drove Cleaver up the wall.

In Rocheville a year ago, alone and newly turned 40, Cleaver reflected that Marx—a brilliant and good man—had been his anchor throughout his adult life, and yet Marxism in worldly practice did not seem to work very well.

In the Black Panthers, the concept of class struggle gave purpose to life, and yet Cleaver noticed more and more that the questions given him to decide were not about politics or tactics but about morals.

He says he found nothing in his Marxist politics that helped him much when the question was justice or fairness "or compassion," and more and more it seemed to him that his Marxism was not a complete and full system.

"In a strange way, it was Christian and not Marxist values that I had to draw on, even in the Panthers. Even though my whole concept had been based on the Marxist dogma that religion and idealism are things to be resisted, as either sentimental or a waste of energy that should be going into the struggle."

A year ago, one night at Rocheville, he was at a real low.

"Have you ever seen the Mediterranean sky? Well, it has got stars like you never saw. And the moon, I was looking up at the moon and I saw the man in the moon, and it was my face.

"I don't mean I had any vision, I mean the shadows that could be anything took the form of a favorite picture of myself, and I was surprised. Then I saw the face in the moon was not mine, after a while, but some of my old heroes. There was Fidel Castro, then there was Mao Tse-tung. These were not visions, they were just the shape the man in the moon took.

"I was moved, and I was a little bit afraid, and I wondered if this was a premonition of death or something like that. While I watched, the face turned to Jesus Christ, and I was very much surprised. All this time I had the feeling of something big, and the stars in order, and something holy—you have to use words like that.

"I don't know when I had last cried, but many years back, but I began to cry and I didn't stop."

Cleaver, who had been talking slowly at first and with some coolness, began to speak with easiness, like a man far beyond ordinary embarrassment at talking with a stranger about the most personal things. His eyes were straight, his voice was soft, and he showed no sign of surface emotion.

"I was still crying and I got on my knees and said the Lord's Prayer, I remembered that, and then I said the 23d Psalm, because my mother had taught me that, too.

"I had read the Bible a lot of times, because it was the only book they let you have in solitary confinement in prison, so I had read it through more than once, but it never meant anything much.

"It was like I could not stop crying unless I said the prayer and the psalm and surrendered something. I saw that I had been waiting for people to help me come back to America and they didn't want me. And I saw I didn't have to wait for other people, I could do it by myself. All I had to do was surrender and go to jail.

"What could be easier than going to jail? The hard part is not going to jail, but enduring it. And I thought, 'Do I have strength to endure it?' And I knew I did.

"I wanted to go back to Paris and tell Kathleen. I was very excited. But I waited a while, and then one night when we were in bed I told her I wanted to go back.

"She sat right up in bed, I had never said it like that, and she was amazed, but I could see on her face she was happy."

Cleaver saw his lawyer in Paris, who cautioned him. But then he got in touch with

Elliot Richardson, then ambassador to England, on how to proceed with Cleaver's surrender.

First it was necessary to find out if any new charges had been added, besides those connected with the shootout, but there were no others. Arrangements then had to be made about the time and place Cleaver would turn himself in.

"I thought you got arrested any day of the week," he said, "and I was expecting the police would come and arrest me right then, but it turned out they could not accept an arrest made in France, and it seemed to me it took a long time to work out the details."

He made the decision last September and came to New York early in November. He then went to California where he entered prison and made bail Aug. 13, thanks to a Philadelphia insurance man with religious interest but not connected with Cleaver's past.

So the California jail was the green pasture and still waters to which Cleaver was led. But the future is something else again and no man knows it.

"All this stuff I used to believe in went out the window," he said. "You get a little humble in the face of forces you know nothing about."

Like the stars in their sky, the newborn people in their cribs—"This chain of life I had not known about before, they are really little miracles, you know. My passing on the breath of life twice in a row. You know, you have to marvel at it."

[From the Humanist, September–October, 1976]

ELDRIDGE CLEAVER AND THE DEMOCRATIC IDEA

(By Bayard Rustin)

Since returning last November to the United States after seven years abroad, Eldridge Cleaver was conned in various prisons and has just been released from the Alameda County jail on $100,000 bond. In marked contrast to his days as a leader of the Black Panthers when the media followed his every pronouncement, only a few stories have appeared about Cleaver. More often than not they have merely reported details of the legal maneuvers preparatory to trial. There is little real interest in his thinking, which is penetrating and incisive. If the media once seemed bent on exploiting Cleaver as good copy, they now seem determined to treat him as a curiosity, when not ignoring him.

The media, with few exceptions, have missed the significance of Cleaver's return. It was not so startling that Cleaver returned to the United States, for he had always stated his intention of doing so; and he is not the first black revolutionary to return to the United States. What was surprising was that Cleaver returned with new political views. Once the prophet of rage and violence, he returned a forceful advocate of democracy.

The political transforming of Eldridge Cleaver is one of the most profoundly interesting human dramas of our era. However, tracing his evolution is less my concern than the content and clarity of his thinking. Cleaver is saying many things that badly need saying and that are either not being said or not being said so well.

Cleaver's message is to remind us just how revolutionary the democratic idea really is. His emphasis on the importance of democracy may seem commonplace, but his views are powerful because they are the result of both theory and experience. His passionately felt beliefs have caused him to perceive the importance of turning the cliches of democracy back into ideals.

Cleaver, who once denounced the United States as "evil," "criminal," and "crazy," now describes himself as a patriot. He is certainly that, but at the same time he is both more and less. Unlike some previous refugees from totalitarian ideologies, Cleaver has not gone over to an opposite and equally extreme doctrine. Instead he is a radical democrat, who sees in the United States the best embodiment of the democratic ideal "With all its faults," he has declared, "the American political system is the freest and most democratic in the world."

To those who would attempt to stereotype Cleaver as a right-wing superpatriot, he has himself provided the best answer: "The greatest mistake we have made as a nation is to allow our shining principles to lapse so far into disuse that we misname them clichés." Thus, Cleaver's patriotism is not narrow chauvinism but a sophisticated attempt to merge national pride with the fuller implemenation of the American principles of democracy, equality, and justice. Cleaver's analysis is remarkably reminiscent of that of George Orwell, perhaps the most astute political observer of the twentieth century. Orwell criticized the British left for denigrating nationalism as necessarily reactionary and provincial. It was the patriotism of the British working class, he argued, that saved Britain from defeat at the hands of Hitler. In a letter to the *Los Angeles Times* Cleaver advanced the concept of a progressive and democratic patriotism that recognizes that "admitting our weaknesses does not negate our strengths. And glorifying in our strengths, as we rightly should, does not necessitate covering up our weaknesses."

Cleaver has not abandoned his belief in the necessity of fundamental social and economic transformations. He now insists that the method to achieve change is through democratic processes and not by violent revolution. Unlike some American radicals who have recently made a purely tactical endorsement of democracy because revolution is not likely to succeed in the United States, Cleaver has a profound appreciation of the human significance of democracy. Cleaver judges that political democracy is more important than economic democracy. It is easier, he contends, to add economic democracy to political democracy than to add political democracy to the sham economic democracy of the Communist states or the third-world dictatorships.

In the process of altering his views about democracy, Cleaver's feelings about the black struggle in America have also changed. From his experiences abroad he has concluded that the United States is far ahead of the rest of the world in solving its racial problems. In a recent interview, Cleaver outlined his perspective on black progress in the United States thusly: "Black people need to realize very fundamentally that they are full and equal citizens of the U.S. We can no longer afford to 'fence straddle' about where we are going. We can no longer afford to ask: Are we going to stay here and be integrated, or are we going to go back to Africa, as we have been saying since slavery? Are we going to separate into five states like the black Muslins used to talk about? . . . We are as much a part of the United States as any Rockefeller, and we can no longer afford to ask such questions." Not surprisingly, Cleaver has grown much closer to those mainstream black leaders he used to denounce. He has said, "I want particularly to apologize to Martin Luther King on some points. I now appreciate his awareness that the basic relationship between communities of people has to be one of love."

Cleaver's defense of democracy is all the more persuasive because he has not only lived in totalitarian countries and third-world dictatorships, but he was also once an adherent of those regimes. Indeed, Cleaver's most valuable function may be to dispel the myths about these societies. His idea of proletarian internationalism was but a concentrated version of the still persistent romanticism about the third world and a too common naïveté about the nature of Communism. Having lived in the third world, Cleaver is uniquely qualified to communicate the truths that the third world is "an empty phrase," that there are incredible differences" in the third-world countries, and that many third-world countries are tyrannies.

The analysis that Cleaver makes of Communism is penetrating and insightful. He observes that "communists strap onto people the most oppressive regimes in the history of the world. Regimes that are dictatorships, dictatorships in the name of the proletariat, not by the proletariat." Cleaver criticizes détente for propping up the Soviet regimes and concludes that if the United States is truly to be a force for democracy in the world "we have an obligation to help in the disintegration of the Soviet regime." That is a harsh judgment, to be sure, but it flows naturally from Cleaver's commitment to democracy.

Approximately a year ago, as he was preparing to leave Paris, Cleaver speculated about what he planned to do after returning to the United States. He said he wanted to be a philosopher of the left and that he wanted to write rather than become a political activist. Cleaver is, of course, inescapably a political figure. His very presence in this country forces us to confront the meaning of the sixties.

I do not know how many on the left will listen to Cleaver. Certainly they will make every effort to avoid confronting his challenge to their uncritical acceptance of political myths. Sympathizers with the radical currents of the past decade cannot help but be made uncomfortable by Cleaver's proposition that it is time to sum up the questioning process, to abandon mistaken notions, and to come to some conclusions. I suspect that, nonetheless, the intensity and intelligence of Cleaver's views will force the confrontation whether or not it is desired.

Cleaver, I am convinced, is capable of speaking to a far larger audience than his former followers and sympathizers. He may well have to endure a long apprenticeship to redeem himself in the eyes of those who still suspect him or cannot yet forgive his past. Cleaver recognizes that it may be a long time before many people will agree with him.

The return of Eldridge Cleaver to the United States is a summing up of the decade of the sixties and a sign of new possibilities. In the sixties Cleaver became an almost mythical figure for thousands of young blacks and whites; but today, I believe, he is an authentic hero. It is not a simple decision to admit that one was mistaken on fundamental issues as Cleaver has done. Though he could have lived a comfortable life as the puppet of any of a number of totalitarian states, he decided to come home even at the risk of a lengthy prison sentence.

Even in Cleaver's early writings there was a strongly humanistic strain. Unfortunately, his desire for a better world was so strong and consuming that he condemned a system that was unable to immediately meet his stringent demands for perfection and justice and embraced an ideology that was destructive of human values. It is to Cleaver's credit that he had the strength and intelligence to reevaluate his beliefs and to avoid the temptations of despair and cynicism. His change is best reflected in his comment: "Somehow, man is less grand than I would have thought. He's still OK, but he's less grand." This attitude of realism, responsible optimism, and genuine humanism undergirds Cleaver's views.

Cleaver presents an opportunity and a test for people committed to realizing the democratic idea. His will not be a political defense; there will be no "Free Eldridge"

campaign. But there are many intellectuals, artists, labor leaders, and others who have joined me in working to ensure that Eldridge has adequate resources to have a fair trial. Though not all of us may agree with all of his ideas, we believe he can make valuable contributions to the discussion of pressing public issues. He has certainly made a beginning by helping to place the issue of democracy on the agenda.

ALLOCATIONS TO SENATE COMMITTEES UNDER THE SECOND CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 1977—SENATE CONCURRENT RESOLUTION 139

Mr. MUSKIE. Mr. President, the Budget Committee is sending to the staff director of each Senate committee which was allocated budget authority or outlays under Senate Concurrent Resolution 139, the second concurrent resolution on the 1977 budget, a letter providing background information on the allocations.

This letter forwards to the committees a set of computer listings which show the Budget Committee's assumptions as to how the amounts allocated to the other committees are distributed by budget function. These listings are intended to assist each committee in preparing the report to the Senate required by section 302(b) of the Budget Act, a report which shows the way the committee has subdivided its allocation among its subcommittees or major programs.

We hope that each committee will be able to submit its report to the Senate prior to the adjournment of this Congress.

In addition to these listings, the letter forwards a revised version of the Senate committee allocations table printed on page 10 of the conference report on Senate Concurrent Resolution 139 (S. Rept. 94–1232). Both this table and the computer listings reflect some technical adjustments to amounts allocated for "entitlements requiring appropriations action." These adjustments do not affect the "direct spending" allocation of any committee, and have been made after consultation with staff of the committees involved.

For the information of my colleagues, I ask unanimous consent that a copy of the letter and a copy of the revised table from the conference report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 21, 1976.

Mr. ———,
Staff Director, Committee on U.S. Senate, Washington, D.C.

DEAR ———: The Second Concurrent Resolution on the 1977 Budget (S. Con. Res. 139) has been agreed to by the Congress. As required by Section 302(a) of the Congressional Budget Act, the Statement of Managers accompanying the Resolution allocates the budget authority and outlay ceilings contained in the Resolution among the committees of the Congress.

Enclosed is a copy of the "crosswalk" table from the Statement of Managers, showing allocations to Senate committees, as well as computer listings that show for each Senate committee the Budget Committee's assumptions as to how these amounts break down by budget function.

In the case of the Committees on Agriculture and Forestry, Finance, Labor and Public Welfare, and Veterans' Affairs, the listings reflect technical adjustments made since the adoption of the Resolution. These affect "entitlements requiring appropriations" only, and do not affect the direct spending totals for these Committees. These changes are due to Congressional action on or re-estimates for several programs, which while they were reflected in the "direct spending" totals for the Appropriations Committee, inadvertently were omitted from "entitlements requiring appropriations" in the crosswalk.

The attached copy of the table from the Statement of Managers also reflects these technical adjustments, as well as corrections of two minor typographical errors in the table printed in the conference report (S. Rept. 94–1232).

We hope this information will be useful to you in preparing your Committee's report to the Senate, pursuant to Section 302(b) of the Congressional Budget Act, showing how the amounts allocated to your Committee are subdivided among its subcommittees or major programs. As you know, these allocation reports now form the basis for the Senate Budget Scorekeeping Reports. Your report may be similar to the one you prepared following the First Budget Resolution. Please note, however, that Section 302(c) of the Budget Act permits your report to be limited to the *differences* between the subdivisions you reported under the First Budget Resolution, and those which apply to this latest allocation. If there are no changes in your Committee's subdivisions, the Committee is not required to submit a report (although I would appreciate a "no change" phone call).

It would be very helpful if your Section 302(b) report could be submitted prior to the adjournment of the 94th Congress. If you have any questions, or if we may be of any assistance to you in preparing your report, please contact Mike West of our staff, on 4–0561.

Best regards.

Sincerely,

DOUGLAS J. BENNET, Jr.,
Staff Director.

SENATE COMMITTEE ALLOCATIONS PURSUANT TO SEC. 302 OF THE CONGRESSIONAL BUDGET ACT

[In billions of dollars]

[Note: This is a corrected version of the table appearing in the statement of managers on p. 10 of the conference report (S. Rept. 94–1232) on the 2d concurrent resolution on the budget, fiscal year 1977 (S. Con. Res. 139)]

Committee	Direct spending jurisdiction		Entitlement programs requiring appropriation action [1]	
	Budget authority	Outlays	Budget authority	Outlays
Appropriations	295.1	277.8	----	----
Aeronautical and Space Sciences	----	[2]	----	----
Agriculture and Forestry	1.5	.2	7.3	7.8
Armed Services	−.5	−.6	8.4	8.4
Banking, Housing and Urban Affairs	3.6	−.9	.1	.1
Commerce	1.0	.1	.2	.2
District of Columbia	[3]	[3]	----	----
Finance	172.6	168.7	35.6	28.9
Foreign Relations	7.1	6.7	.1	.1
Government Operations	[2]	[2]	----	----
Interior and Insular Affairs	.8	.7	.1	[4]
Judiciary	[4]	[4]	.3	.3
Labor and Public Welfare	3.7	3.9	2.5	2.6
Post Office and Civil Service	20.8	13.6	[5]	[5]
Public Works	3.6	1.0	.2	.1
Rules and Administration	[1]	[2]	----	----
Veterans' Affairs	1.0	.4	14.3	13.4
Joint Committee on Atomic Energy	[6]	[6]	----	----
Not allocated to committees	−58.7	−58.6	----	----
Total	451.55	413.1	69.1	61.9

[1] These amounts are included as part of the direct spending jurisdiction of the Appropriations Committee.
[2] Less than $5,000,000.
[3] Less than $50,000,000.
[4] Less than $45,000,000.
[5] Less than $30,000,000.
[6] Less than $500,000.

Note: Details may not add to totals due to rounding.

ENERGY

Mr. FANNIN. Mr. President, I have become painfully aware of the complexities and problems of our energy situation and our struggle for energy independence. Because of the vast potential geothermal energy offers to our Nation, it would be my great pleasure to call to the attention of my colleagues the very impressive views of Mr. Joseph Barnea.

Mr. Barnea has written extensively on natural resources, especially energy, minerals, and water. He developed the "Geothermal and Mineral Exploration program" in the United Nations, and has been in charge of many seminars and conferences, including chairman of the First United Nations Symposium.

I commend the following views of Mr. Barnea to my colleagues and ask unanimous consent that they be printed in the RECORD.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

Last year, Finland announced that it intended to dump seven tons of arsenic waste in the South Atlantic. Immediately a number of countries protested and Finland withdrew its proposal. The Yellowstone Geothermal area dumps more than 165 tons of arsenic into the Mississippi water system every year but the environmental agencies have neither noticed the fact nor protested. This demonstrates that geothermal resources with surface indications can only be made safe for the environment by development. Environmentalists, therefore, should be the strongest supporters of geothermal energy development. But what is the real situation today? In fact we have delays everywhere from the issue of leases on Federal land to delay of other permits and that involves practically all government organizations on the Federal level and some agencies on the State level and when we probe for the reasons of the unbelievable delays we hear again and again that the lack of environmental data and of environmental standards is the reason for the delays. Thus, in a recent publication of ERDA (Definition Reports, October 1975) we find the following statement:

"Very little data is available on the effects of geothermal energy on the environment. As a result of this lack of data and associated standards, the environmental approval process is slowed." (page III–13)

This statement is surprising and disturbing because apparently no note is taken of the long history of geothermal energy and of the experience abroad. The Romans already developed geothermal resources for

medical purposes and for baths. The balneological use of geothermal resources, based on government laboratory analysis of geothermal waters and permits issued by the Ministries of Health in Europe and in Asia, has led to a thriving industry with a long history. Geothermal waters are used for drinking and other medical purpose and this is based on detailed medical analysis. How closely the balneological aspects are linked to geothermal resources can be seen by the forthcoming meeting in October of this year in Athens, Greece where the International Association of Hydrological Sciences is organizing an International Congress on Thermal Waters, Geothermal Energy and Vulcanic Systems of the Mediterranean Area. The detailed agenda includes "mineral waters suitable for drinking"—but Europe and Asia have not only a long tradition in the medical use of geothermal waters but they have also a very long history in the use of geothermal resources of various types. Lardarello is more than 70 years old and the hot water fields development in Iceland is more than 40 years old. How is it possible to overlook all the experience abroad and delay geothermal development in the U.S. on assumptions of fear and of problems, some of which do not exist? We also find not only as the ERDA report states, "a lack of data," we also find in official environmental organizations a lack of the most elementary knowledge of geothermal resources. Thus, in the Fifth Annual Report of the Council on Environmental Quality which came out last year we note the following sentence:

"Geothermal resources fall into three broadly defined categories—dry steam, hot steam, and hot water—but as yet only dry geothermal steam used to drive electric turbo-generators is considered economically inviting."

But let me use his words as put in a letter to me, "the by-products of geothermal operations for power, such as steam, distillates, thermal fluids, and heat, can be beneficially used in many situations to increase the biological carrying capacity of productivity of surrounding lands. The possibilities are many and of particular interest to me, for management of wildlife in desert areas but are just as usable in other climates and directly applicable to livestock in many situations." This statement which is ridiculous from the point of view of classification of geothermal resources is also wrong in its statement that only dry geothermal steam is economic for electricity generation. Wet steam fields generate electricity economically in New Zealand, Mexico, Japan, El Salvador and in Iceland. Moreover, the report creates the impression that non-electric uses of geothermal energy do not exist.

Geothermal fields are exploited in various parts of the world for many many years and none has ever been damaged by an earthquake. Nevertheless, some environmentalists and even ERDA speak about the possible seismic danger of developing geothermal fields without being able so far to offer any evidence. We have always argued that the development of geothermal fields by reducing their pressure, reduces the risk of earthquakes and now we find in a recent article published in "Science" describing the experiments in earthquake control in Rangel, Colorado, carried out by three geophysicists of the Geological Survey:

"The results of the experiment confirm the predicted effects of fluid pressure on earth quake activity and indicate that earthquakes can be controlled wherever we can control the fluid pressure in a fault zone". (Science 26 Mar. 76, p. 1236)

In other words where through geothermal development we will reduce fluid pressure in a field we reduce the likelihood of earthquakes.

Allow me to quote one further example of fear based on ignorance and that is the alleged short life of a geothermal field. In the recent ERDA report I quoted of October of last year, we find the following amazing statement (page III–1) "One of the most significant limits on geothermal growth rate is the risk of premature reservoir failure." I know of no single case where this has happened and the first geothermal field, Lardarello still operating is now more than 70 years old.

I do not argue that geothermal development cannot produce environmental problems, for instance, in certain geological conditions, land subsidence is a possibility, wherever we fail to recharge a field. Similarly geothermal fields may contain material which may be harmful to the environment but we have the technology to control it and therefore we are not living in a void without experience, without standards, without technology.

In order to overcome the increasing delays for geothermal development in this country, I suggest the following steps. (a) Let us send our environmental experts on the federal and state level to visit geothermal fields abroad of the various types in order to absorb the experience which exists and (b) I also suggest that before an area is opened for geothermal exploration, the U.S. Geological Survey or some other official body should carry out a detailed environmental survey so that we know the natural state of geothermal pollution before development takes place.

The environmental impact of geothermal development can also be seen in a totally different light. I have met an expert, a biologist of the U.S. Fish and Wildlife Services who believes that geothermal energy development is a most important new phenomenon for strengthening wildlife especially in arid and semi-arid areas. He believes for instance that 1500 gallons of water made available annually will allow to re-establish a bird population, that further small quantities of water will strengthen wildlife in a variety of forms. He has approached Geothermal Exploration companies which have drilled shallow temperature gradient holes and asked them to give him the hole afterwards so that he could put a windmill over it and pump a little water which often is available from such drill holes. I am proud to say that, as he told me in every case the geothermal energy industry responded favorably but he sometimes had difficulties with some government bureaucrats. I think this unique and surprising approach namely, the tremendous contribution which geothermal resources can make to our wildlife, is so important that we in UNITAR have asked him to undertake a study for us on this important matter.

Geothermal energy is, therefore, the energy resource with the lowest environmental problems. It's also the lowest in energy cost, the lowest in capital cost and the lowest in Federal government support. The last point needs further discussion. The question of the depletion allowance for geothermal resources is still not settled nor is the question of intangible drilling costs. Depletion is at the moment applicable only to dry steam but not to the other types of geothermal resources which will be the predominant types in the future. Again, we face a situation which makes very little sense. Uranium has a 22% depletion allowance but geothermal energy which often is the result of leaving the uranium safely underground, has no such depletion allowance. From a practical point of view that makes no sense. Timber has a depletion allowance as well as clam shells and oyster shells so that the uncertainty whether geothermal resources are slowly depleting or renewable resources is really immaterial. If we look at the vast sums and variety of federal support which was given to other natural resources from hydro-power to atomic energy and from stockpiling of metals to grazing rates on federal land, which are still determined by the cost of administering them, then we can only state that geothermal energy is the only energy resource which has never obtained a direct government grant. Federal Government support can be massive and many other industries have benefitted. More than $100 billion have been spent by the Federal government on highway development and $22 billion on airports and airlines—investments which stimulate the consumption of oil, the energy source we are short of. But the most reliable energy resources, more reliable even than hydro which is subject to seasonal variations, remains forgotten by the Federal Treasury, though its speedy development could make a substantial contribution to energy independence.

The one significant federal support which we all hope will soon become available, namely, the Geothermal Loan Guarantee Programme is still not out in final form, and in its draft form represents an approach which is contrary to the history of federal support of natural resources. It is based on the principle of minimizing the risk for the federal government. It is also administratively very complex. Let us compare this project with the small mineral exploration assistance programme which the Department of the Interior administers for minerals, a project simple in administration. Under this scheme the Federal Government accepts up to 75% of the risks of exploration in a project and if the exploration is successful the government share in the exploration costs must be repaid by a 5% royalty until the government investment plus interest is repaid. The project is simply evaluated through a visit by a government geologist to the project site and if the project is approved the funds are directly given to the prospector.

The examples I have given clearly indicates that we need a strong geothermal organization which will be capable of providing government services at all levels with the proper information which is available and which will draw attention to the inconsistencies and contradictions in the laws and regulations which now exist. It will also have to point out the lack of Federal geothermal support in taxation, in financing and in many other areas.

The geothermal organization which we need, must, however, include in addition to big and small companies and independents also towns and municipalities, countries and states in short all interested in geothermal resources and all who might benefit by it. The inclusion of local governmental bodies is, in my view, a necessity because some types of geothermal utilization can probably not be handled by private enterprise and cooperation with local governmental bodies can provide new ways of financing geothermal development. Moreover, we have already a beginning in local government activities such as the project of the town of Susanville or the Geothermal District Heating Law of the State of Oregon.

Geothermal resources are, in essence, local resources. All of them must be processed near the field. Even steam must be used at the field for electricity generation and only the electricity can be transported over long distances. Hot water must, however, be used within a radius of 30 miles. Geothermal resources on the local level can provide not only very low cost househeating, hospital and school heating as well as communal heating needs such as for swimming pools and road de-icing but it can also provide an essential and low cost energy source for agricultural and industrial processing, and it can also provide fresh water for local needs, water for agriculture and water for community purposes from fire fighting to many other purposes. It is not accidental that much of the geothermal development abroad was mistaken by local authorities for local needs es-

pecially for non-electric utilization of geothermal resources. We have therefore, an important task, namely to convince the people who live and work in geothermal areas of the potential benefits for themselves of geothermal resources and we have to have both their interest and their support. We should also point out, which we have failed to do so far, the considerable contribution which geothermal energy can make in a variety of forms for local employment. Even in a geothermal field used solely for electricity generation, the local employment is far higher than in an oil field. The potential benefits which governmental energy in the long run will provide for the local population is vast and not yet fully understood and realized. In the future, for instance, sewage water must be recharged for geothermal fields and thus make an early important contribution to the lowering of the existing costly programmes of municipal sewage treatment plants.

We must also realize that the use of water derived from geothermal resources is not a business in which private companies customarily engage. But in many situations the utilization of water may be both of great advantage for the local population and it may also be a cost factor which may make the overall geothermal projects economically feasible. This appears to be today the situation as regards geopressure fields and it may well be the situation in many hot water and other types of geothermal fields. I think we should think of future forms of cooperation betwen private enterprise and local government authorities. In one possible model of cooperation local authorities will buy water from the geothermal developer and provide a source of income where otherwise there would be a disposal cost. But perhaps even more important for the future is a possibility that through the issue of industrial bonds and other means of local governmental financing, local authorities could assist in the financing of geothermal exploration and development, a cooperation which would be of benefit to private companies and to the local population.

Finally it is useful to mention the tax benefits to local government authorities which will not be inconsiderable and long-lasting in their effects. Given this situation, we have to forge an alliance in a geothermal organization, an alliance that brings together private companies, big and small, with the governmental organizations on a local level. An alliance which may become a powerful instrument to overcome the numerous obstacles to geothermal development some of which I have discussed in the first part of my speech.

The new organization, in addition to all the tasks I have enumerated, will have to perform another important task, namely to overcome the general belief that geothermal energy is a regional resource, existing only in the American West. True, the surface manifestations of geothermal energy are much more plentiful in the West, however, there are many warm springs also in the Midwest and Eastern parts of the U.S. In the East and the Midwest we have very little Federal land and very little mineral exploration tradition and limited geologic knowledge. But we have a high population density and high energy costs in the East. In Manhattan Con Edision sells steam for house heating and air conditioning now at $40 per ton. Compare this with the 80 U.S. cents per ton which the steam producers at the Geyser's field obtain, today, per ton of steam they sell. Consequently, warm and hot water from geothermal resources in the East would be economic at a much higher costs than in the West. Geothermal exploration and development in the East would not only make an important contribution to the main energy-shortage areas of the U.S., but would also bring wider political, financial and other support to the geothermal industry. It would become a countrywide resource and even Wall Street would take note of it. Moreover, Congress appears to favor "nonnuclear energy sources," which "facilitate the commercial availability of adequate supplies of energy to all regions of the United States." (Federal Nonnuclear Energy Research and Development Act of 1974, sect. 5(b)(1)).

The environmental delays from which our geothermal industry is suffering today, is partly due to our neglect, to our failure to bring the unique character of geothermal resources to the knowledge of the framers of our environmental laws. There is a new possible danger looming ahead and this time we must act—namely energy efficiency and conservation standards which are being developed now, partly as a result of the new Energy Policy and Conservation Act, passed in December, 1975, and the net energy standards required by the Nonnuclear Research and Development Act of 1974. It is now up to FEA to develop these standards. The chemical industry in its voluntary system of measurement already defines efficiency rates in BTU's. What does this mean for the geothermal industry? Let me show it in one example. We need amount 24000 BTU's in the case of geothermal steam to produce one kilowatt-hour of electricity, whereas using fuel oil, producing steam, at a much higher temperature in a boiler, requires only 9000 BTU's. Thus, basing a comparison on BTU's only, fuel oil appears to be almost three times more efficient—but based on costs, namely $14 per barrel of fuel oil or $2.40 per million BTU's as compared to about 30 cents per million BTU's for geothermal, fuel oil is three times more expensive per kwh than geothermal energy. We understand the pitfalls of BTU accounting or energy accounting—but people outside our industry do not. But if net energy or similar energy calculations are carried out correctly, we can show that for practically all non-electric uses of geothermal energy, geothermal is by far the most efficient and the lowest in cost of all possible energy sources. But, as far as I have seen, no one has yet published such calculations and if we do not do it, we may suffer in the future.

The most important feature of geothermal resources and geothermal energy, namely their low cost is disregarded in public documents and appears to be unknown in Wall Street and in Congress. At a time when ERDA had to drop some solar energy projects because of their high energy costs, when shale oil producers want minimum price guarantees, when oil producers and natural gas producers want and need higher prices, when wind power requires about $2,000 per kw including storage batteries—no one points out that geothermal energy is the cheapest and most reliable source of energy we have.

The geothermal industry has never asked for price support but for equal treatment. It is the only underground energy resource which has no depletion allowance (except for dry steam) and other lax facilities, though geothermal exploration involves more risks than coal or uranium exploration. Geothermal resources, in spite of the low cost of developed geothermal energy, will not attract risk capital until the unequal treatment of geothermal resources is removed.

The task we have of overcoming the obstacles to geothermal development in this country with its very large geothermal resource base, is a challenge which calls for immediate action. The goal of energy independence begins to fade and more and more people, organizations and institutions begin to lose faith in the energy potential of this country. Even the New York Times in a recent lead?? (March 30, 1976) now supports energy interdependence stating and I quote: ". . . nor weighing the economic, social and environmental costs involved in massive expansion of domestic energy supplies, is elimination of all oil imports necessarily desirable." The contribution which the development of local energy resources can make to reducing unemployment and reducing social tension are conveniently overlooked. The very high price of imported oil is equally disregarded nor are the enviornmental costs of using imported oil for heating and many similar purposes being recognized when they could be reduced by geothermal resource development on a country-wide basis. Nineteen seventy-six may therefore shape up as a crucial year in which the geothermal industry may have to convince the American public as well as Congress that there is a vast geothermal potential in this country that the technology is available as well as geothermal entrepreneur and that the obstacles are not in resource scarcity or lack of technology but in bureaucratic obstacles which hold up the development of this massive and low cost resource. In 1976 when capital is plentiful and when we still have high unemployment, if even in this year we do not obtain public recognition of the potential for geothermal resources then we may seriously delay geothermal development and strengthen the belief of those who feel that the future increase in energy supplies should largely come from abroad. This is a year of the bicentennial in which the United States is celebrating a history of growing strength based on three basic resources for a country which wants to be strong and independent, namely, sufficient water, food and energy. Shall we allow 1976 to become the beginning of a period of energy decline? I believe therefore that in working for a strong geothermal organization which now in 1976 will attempt to speed-up geothermal development we are laying the groundwork for energy independence which must remain the basis for a strong country.

UNITED STATES PROVIDES ASSISTANCE TO INTERNATIONAL RED CROSS

Mr. ABOUREZK. Mr. President, during the tragic 17 months of fighting in Lebanon, only the International Committee of the Red Cross has been able to maintain any continuing program of medical and humanitarian relief. However, despite their continued efforts, they were constantly short of funds necessary to keep adequate supplies of medicine and basics on hand.

The United States has helped in the past by providing direct contributions to the ICRC. Earlier this month, the Congress tentatively agreed to a provision in the foreign operations appropriations bill for fiscal year 1977 that would provide a total of $20 million in humanitarian assistance to Lebanon. Part of that money is to be made available to the International Committee of the Red Cross to permit it to continue operations in Lebanon.

I was pleased to learn that the State Department has just announced that it will be providing an additional $2 million to the International Red Cross. This additional contribution, I believe, demonstrates that the U.S. humanitarian interests are still able to rise above political motivations. I commend the State Department for quickly and decively acting to provide needed assistance so that the Red Cross efforts may continue.

Mr. President, I ask unanimous consent that the text of the State Department release announcing this additional contribution be printed in the RECORD.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

United States Contributes to Relief Efforts in Lebanon

The United States, through the Agency for International Development, has provided a $2 million grant to the International Committee of the Red Cross (ICRC) in support of relief efforts in war-torn Lebanon. The grant agreement, which was signed in Geneva by American Ambassador to Switzerland Henry Catto and J. P. Hocké, Director of Operations for the ICRC, brings to $4 million the total U.S. contribution to ICRC relief efforts in Lebanon.

To date ICRC has appealed to the international community for $12.6 million to support its programs in Lebanon. The U.S. contribution accounts for some 31 percent of these appeals.

Since October, 1975 ICRC has been furnishing medicines and medical services to all sides in the Lebanese conflict. The international humanitarian organization also has supported a hospital in the southwest suburbs of Beirut and continues to provide medical aid to thousands of patients in hospitals and dispensaries in many areas of the country.

In addition to the total of $4 million which the U.S. has contributed to ICRC, approximately $6 million has been provided to the American University Hospital in Beirut to enable the hospital to continue to function in this time of need and to alleviate some of the suffering caused by the war.

TRIBUTE TO EDWARD J. HEKMAN

Mr. PERCY. Mr. President, some of us have had the opportunity to enjoy careers both in the private and public sectors of our society. I for one have found that much of what I have learned from experiences in private industry has been useful to me in my public career.

I would like to call the Senate's attention to another man who has made his experience in management of business available to management in Government. I am speaking of Edward J. Hekman, who resigned on Friday, September 17, from his post as Administrator of the Food and Nutrition Service of the Department of Agriculture.

Administrator Hekman headed the Keebler Co. before joining the Food and Nutrition Service, FNS, 7 years ago, in September of 1969. After more than 30 years as a manager in the food industry he decided to put his experience to work to make food assistance available to needy Americans.

Administrator Hekman's years at FNS have seen improvements and growth in programs that have contributed greatly to the health and well-being of mothers and children. As ranking member of the Select Committee on Nutrition and Human Needs, which has overview responsibility for FNS, I have been pleased to note that Mr. Hekman has run a Government agency as efficiently as he ran the Keebler Co. He has demonstrated that good management practices work in the public sector as well as the private sector.

Mr. President, I welcome this opportunity to take note of Administrator Hekman's departure and to commend his distinguished record of service to the American people during these 7 years that he has served as Administrator of the Food and Nutrition Service. I hope that others who have developed skills as managers in business may see fit to make their skills available to public service. In my view, the people's business is the noblest of all businesses, and it needs—it merits—the most expert management that we can give it.

THE SUNSET BILL

Mr. RIBICOFF. Mr. President, it now appears that it will not be possible to consider S. 2925, the sunset legislation, on the Senate floor this session. Since the House of Representatives has not proceeded as far as the Senate to date on this important legislation it would not have been possible to enact this legislation this session.

However, Senator Muskie has performed an invaluable service for the Congress and the country in proposing and working so hard for the enactment of the Government Economy and Spending Reform Act of 1976 (S. 2925). His Subcommittee on Intergovernmental Relations of the Government Operations Committee held extensive hearings on several bills incorporating the sunset concept. S. 2925 has benefited greatly from the many witnesses who testified. Moreover, several other Senate committees have recently begun to give consideration to the very complex issues raised by this legislation.

The work done on S. 2925 this session of Congress is by no means wasted. Senator Muskie, Senator Glenn, Senator Roth, Senator Percy, and others have by their efforts created a strong foundation for developing effective legislation in this area early next year.

I am strongly committed to the concepts underlying S. 2925. It is essential that Congress regain control over the programs it creates. Systematic procedures for reviewing Government programs periodically is essential to the accomplishment of that goal. Similarly, I believe that providing limited authorization periods for Government programs as a means of triggering serious periodic program reviews is a sensible approach. I am pleased to see that Gov. Jimmy Carter has publicly endorsed this concept and committed himself to supporting similar legislation if he is elected President.

The bill as presently drafted contains many important provisions. First, it sets forth a basic schedule for the review and termination of authorization of most Federal programs. Title II lays out the basic format for zero base reviews by congressional committees with the assistance of the executive agencies and GAO. Title II also contains deadlines which are keyed into the budget process. Title V would require periodic review of tax expenditures in a manner similar to the way appropriations are reviewed. The impact of tax provisions on Federal spending and the generating of revenue is enormous and I am hopeful that we will be able to get legislation next session which provides the same searching review for tax provisions as for any other Government expenditure. In my judgment these provisions form the nucleus of the proposal.

This year Senate committees worked diligently on this measure and much progress was made. In the Government Operations Committee, because of the persistent efforts of Senator Muskie, we were able to establish an impressive record which led to the bill being unanimously reported to the floor. In the Rules Committee, in the very short time which was available, the groundwork was laid for a cooperative effort in the next Congress. The Finance Committee, in the face of a very tight schedule, had only a very brief opportunity to consider the bill.

To reach a consensus on a bill next year will take a great deal of cooperation between these committees, but I am confident that as in the past these important issues will receive the careful consideration they deserve.

The American people are rightfully demanding that we in the Congress get the Federal Government under control. They want assurances that their tax moneys are being efficiently expended on programs that are needed and have not outlived their usefulness. I believe that the efforts of Senator Muskie and his fine staff have moved us down the road toward the achievement of that goal.

I ask unanimous consent that a summary and explanation of S. 2925 be printed in the Record.

There being no objection, the summary and explanation was ordered to be printed in the Record, as follows:

Summary and Explanation of S. 2925

S. 2925, the Government Economy and Spending Reform Act, has at its heart two principal elements designed to give Congress greater control over the programs it has enacted into law.

The first requires that all authorizations for Federal programs and all tax expenditures terminate every 5 years, unless they are re-enacted.

The second requires all programs and all tax expenditures to undergo a zero-base review by the appropriate congressional committees with the assistance of the Executive Branch and congressional support agencies, before they are reauthorized or re-enacted.

Title by Title Summary

Title I—Authorizations for New Budget Authority:

Title I sets forth the basic schedule for the review and termination for all Federal programs. It would require, according to the schedule, the termination of all provisions of law which authorize budget authority for Federal programs.

Title I applies only to provisions of law which, under the rules of the Senate and the House, serve as authorizations for appropriations bills. Thus, the Congress with the enactment of this title would not be putting itself in the position of having to review and re-enact the entire U.S. Code every five years.

A limited number of programs are exempted from the termination provisions. These programs are included in function 900 (Interest on the National Debt); subfunction 551 (Health Care Services); subfunction 601 (General Retirement and Disability Insurance) and subfunction 602 (Federal Employee Retirement and Disability). While these programs would be exempted from termination, they would be subject to review each five years as would all other Federal programs.

Title I would also require the General Ac-

counting Office and Congressional Budget Office to identify every Federal program by functional category. For each program identified GAO would provide Congress with other pertinent information such as annual appropriations and budget authority.

In addition to its other provisions, Title I would change the rules of the Senate and House to make it out of order to consider an appropriation for any program unless the appropriation has been specifically authorized by law. Continuing appropriations excluded, this provision would mean that all appropriations would have to be made pursuant to specific authorizing legislation.

Further, the rules would be changed to make it out of order to consider re-authorization of a program unless a zero base review of that program has been prepared and submitted by the appropriate committees. This rule change is the principal enforcement mechanism of the legislation.

Title II—Zero Base Program Review:

Title II sets forth the timetable for the zero base review of government programs terminated by Title I. The timetable compliments the budget process and is designed to provide Congress with sufficient time to conduct program reviews and to make constructive use of the information provided by the Executive Branch and the congressional support agencies. The timetable for review is as follows—

On or before—

March 1 of the preceding year: Authorizing committees submit their zero-base review plans to the Congress.

September 30 of the preceding year: Executive agencies submit reports of their program review in accord with the zero-base review plan.

September 30 of the preceding year: General Accounting Office reports results of prior audits and reviews and reports and analyses to authorizing committees.

May 15 of the review year: Authorizing committees report results of their zero-base review of programs to their respective Houses.

Title II makes the completion of the zero base review the responsibility of the authorizing committees. It requires the committees to submit a plan for the zero-base review of programs by March 1 of the year preceding termination. In this way, the process provides the authorizing committees the flexibility needed to direct the scope and quality of the zero base review of the program under their jurisdiction.

Title II also defines the basic concept of the zero-base review to mean a systematic evaluation by legislative committees of government programs to determine if they merit continuation, termination or continuation at a different level of funding.

The basic elements of a zero base review would include—

(1) a statement of program objectives;

(2) an assessment of the program's success in meeting its objectives;

(3) a statement of the performance and accomplishments of the program for the previous 4 fiscal years;

(4) the number and types of persons served by the program;

(5) a statement of the number of personnel needed to carryout the program, and

(6) a review of the impact of the regulations rules and forms issued to carryout the program.

In addition to mandating the review, Title II requires the authorizing committees to report on their reviews and provide their recommendations to their respective Houses.

Title III—Continuing Review:

Title III would establish a program of continuing review for Federal programs. First, it would require GAO to notify the appropriate congressional committee each time it makes a report which discloses a deficiency in the achievement of the objectives a program, or which contains recommendations to the head of any agency. Further, the agency would be required to report to the congressional committee and to GAO every 6 months until GAO has determined that the agency has tried to correct its deficiencies.

Title III also amends the Budget and Accounting Act of 1921 to require certain additional information to be included with the President's budget. This information includes, with respect to each program, information on the specific objectives of the program for the fiscal year covered by the budget and a comparison of the achievement of the objectives for the last completed fiscal year. This provision is designed to cause the Administration to include more information in the President's budget than has been provided in the past.

Title IV—Citizen's Bicentennial Commission:

Title IV provides for the creation of a temporary commission, to be modeled after the two previous Hoover Commissions, to provide information and make recommendations to the Congress and the Executive Branch for the improvement of the operation and efficiency of the government and the appropriate restructuring and consideration of Federal administrative agencies.

Title V—Zero Base Review of Tax Expenditures:

Title V would require the termination and review over a five year period of all tax expenditures according to a schedule developed by the Joint Committee on Internal Revenue Taxation and enacted by the Senate and the House during the 95th Congress. The review and reporting of legislation re-enacting tax expenditures would follow the procedures under Title II of this Act.

Title VI—Miscellaneous:

Title VI would—

(1) require Office of Management and Budget to study the feasibility of establishing a zero base budgeting system for the Executive Branch and report its findings to Congress December 31, 1977.

(2) requires each agency head to provide the Congress with a copy of the budget request and statement of proposed expenditure which he has submitted to OMB on the day after the President submits his budget.

(3) requires each agency head to furnish to the authorizing committees of Congress any information they request regarding estimated outlays, etc.

(4) assures that nothing in the bill would require public disclosure of records which would otherwise be protected from such disclosure, and that the rules of each House of Congress shall govern committee decisions to make information public.

EMPLOYMENT OPPORTUNITIES FOR WOMEN

Mr. MATHIAS. Mr. President, in followup to my statement before the Senate the other day on the proposals by the President's Pay Agents for Federal employees cost-of-living adjustments, I would bring to my colleagues' attention a recent finding on job opportunities for women.

The article appeared in the Washington Post of Thursday, September 9. It reports the findings of the Conference Board, a business research organization.

If the predictions of this group are accurate, it further makes my point about the importance of assuring equal pay for equal work for lower general schedule Federal employees, over 70 percent of whom are women or minorities.

The President's Pay Agents, as I pointed out the other day, have recommended pay increases of only 4.51 to 4.24 percent for GS grades 1–6. At the same time, the same Agents recommend pay increases ranging from 5.4 to 11.83 percent for grades 11–18.

I have urged the President to look carefully at the inequity of this pay proposal and consider another alternative. We cannot afford to place the burden of fiscal penny pinching in Federal salaries on those grades least able to afford it at the lower grades of the civil service general schedule.

I ask unanimous consent that the Washington Post article and table D–7 of the Pay Agents' staff technical paper be printed in the RECORD.

There being no objection, the article and table was ordered to be printed in the RECORD, as follows:

FUTURE FOR WOMEN BLEAK

(By Claudia Levy)

Most employment gains for women in the next decade will be in the "lowpaying jobs they have traditionally held," the New York-based Conference Board predicts.

The business research organization says in its monthly publication that more than two-thirds of the increase in female employment is likely to be in clerical and service jobs.

Dr. Leonard Lecht, director of special projects research at the board, also predicted in the article that women will account for a higher proportion of the country's bank officials, designers and mechanical engineering technicians. He said more women also will be employed as bus drivers—mainly of school buses—and as shipping and stock clerks, "longtime male preserves."

Skilled crafts are expected to account for only 3 per cent of women's employment growth during the next decade, Lecht said, noting that more women probably will become electrical workers and auto mechanics.

But he said a majority of women will continue to work at jobs that always have been held by women. He said their escalation up the job ladder has been restricted because of a concentration of women in a small number of so-called "female jobs." They also have been concentrated in the lowest-paying occupations where they have earned below-average wages, "even when they have above-average education," he said.

Because young women tend to enter fields that already employ large numbers of women, they "help to perpetuate low earnings by assuring a steady stream of . . . additions to the supply of labor in the preponderantly female occupations," Lecht said.

As younger women continue to look for jobs as secretaries, calculating machine operators, stenographers, typists, dressmakers, child-care workers and hairdressers, they increase the likelihood that "similar concentrations of employment for women will characterize the next decade," he said.

Significant breakthroughs by women into better-paying jobs will depend on "a movement away from the traditional counseling and occupational education in the schools, changes in the career aspirations of women and more general acceptance of equal employment measures," the Conference Board said.

TABLE D7.—NUMBER AND PERCENT [1] OF FULL-TIME GENERAL SCHEDULE EMPLOYEES BY GRADE AND SEX, DECEMBER 1973

Grade	Employment				
	Number			Percent	
	Total	Male	Female	Male	Female
Total GS-1-15	1,291,057	758,578	531,002	58.8	41.1
GS-1	3,487	974	2,497	27.9	71.6
GS-2	34,486	7,098	27,150	20.6	78.7
GS-3	103,798	21,875	81,563	21.1	78.6
GS-4	161,672	39,246	122,202	24.3	75.6
GS-5	171,494	58,387	112,933	34.0	65.9
GS-6	79,461	26,038	53,394	32.8	67.2
GS-7	117,898	68,279	49,499	57.9	42.0
GS-8	25,864	14,776	11,081	57.1	42.8
GS-9	129,979	99,937	29,950	76.9	23.0
GS-10	22,376	17,120	5,252	76.5	23.5
GS-11	141,722	123,307	18,340	87.0	12.9
GS-12	128,276	118,425	9,787	92.3	7.6
GS-13	100,674	95.722	4,920	95.1	4.9
GS-14	46,404	44,617	1,761	96.1	3.8
GS-15	23,466	22,786	673	97.1	2.9

[1] Due to a small amount of unspecified data, total employments will be slightly greater than the sums of the male and female employments, and percents may not total 100 percent.

ENERGY AND RURAL AMERICA: RURALAMERICA INTERVIEW WITH BARRY COMMONER

Mr. ABOUREZK. Mr. President, the current issue of "ruralamerica," the monthly tabloid published by Rural America, Inc., carries an exclusive interview with Dr. Barry Commoner. As always, Dr. Commoner calls attention to some surprising facts and makes some very provocative points.

He points out, for instance, that farm usage of energy accounts for only 4 percent of national usage and goes on to comment:

The production of food is so important that I think it would be foolish to say, "well, let's see if we can save part of that 4 percent," when there are so many other big percentages that could be saved.

But, Dr. Commoner does not leave it at that. He goes on to look at energy in agriculture from another standpoint. He notes that while average income per farmer has been going up since 1950 because of the declining number of farmers, net income to agriculture as a whole has gone down. "Agriculture now gets less from society for its product than it got in 1950."

He suggests that one possible explanation for this is that agriculture is more vulnerable than it used to be. He argues that what has happened in agriculture is that there has been a long trend toward the adoption of industrial techniques and such materials as intensive fertilizers as a way of reducing the dependence on nature, which has been regarded as too risky. But, says Commoner, the result of this trend has been to replace the dependence on nature with a dependence on the petrochemical industry and that is proving to be even riskier, in economic terms, and certainly less desirable from an ecological standpoint.

In agriculture, as in other sectors, it is Commoner's contention that we have concentrated on the efficient use of labor but neglected the efficient use of energy or of capital. Among other things, he says that "the ratio of capital to workers is the second highest in agriculture, of all industries. The highest one is petroleum." He suggests that what we need to do is seek a more balanced set of efficiencies.

Mr. President, I think this interview is worth calling to the attention of all of my colleagues and I ask unanimous consent that the full text be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

RURALAMERICA INTERVIEW: DR. BARRY COMMONER

(NOTE.—Dr. Barry Commoner, noted husbander of our nation's resources and environment, is the author of "The Closing Circle," "Science and Survival," and this year's "The Poverty of Power." Commoner is Chairman of the Board of the Scientists Institute for Public Information, University Professor of Environmental Science at Washington University in St. Louis, as well as Director of the School's Center for the Biology of Natural Systems. Professor Commoner was interviewed by ruralamerica contributors Rick Sandler and John Sheehan on Independence Day in our nation's capital.)

RURALAMERICA. The food needs of America, and more importantly the world, are continuing to place strong demands on our agricultural production. How will the "energy crisis" affect farming?

COMMONER. I think it would be a terrible mistake to look to agricultural production as a way of saving energy. Agricultural production, that is the farm use of energy, is 4 percent of the total national usage. The production of food is so important that I think it would be foolish to say, "well, let's see if we can save part of that 4 percent," when there are so many other big percentages that could be saved. The use of autos and petro-chemicals, for example. So, to begin with, the way to look at the energy dependence of agriculture is not in terms of saving energy but in the effectiveness of agricultural production.

The fact that agriculture is dependent on energy leads to a harmful situation in agriculture. Take the use of fertilizer. Nitrogen fertilizer is made from natural gas; and represents, for example, 47 percent of the energy used in the production of corn. Another 19 percent is propane for drying the grain, and only 18 percent is for running the machinery. So it would make no sense in going after the 18 percent used in running the machinery. The thing you have to ask yourself is "what about the fertilizer?"

Even there it is the economics rather than energy conservation that is important. The dependence of corn production on inorganic nitrogen fertilizer means that the farmer is now dependent on the petro-chemical industry for a very important input. The use of ammonia in the U.S. is divided just about evenly between the farm and the petro-chemical industry, because it is an important ingredient in chemical synthesis. It is also produced largely by the petro-chemical industry. So you have got the farmer competing with the petro-chemical industry for this very important ingredent, but it is something that the petro-chemical industry itself makes. And governs completely economically. When the price of ammonia quadruples the petro-chemical industry doesn't care too much, and the farmer suffers.

Interdependence is the important thing. In other words, I think it would be good for a corn farmer to become less dependent on the use of ammonia. But the reason for it is not to save energy for the country. It is to make his operations less dependent on the economic dominance by the petro-chemical industry.

Now, the other advantage to using less fertilizer would be to improve the water pollution situation in agricultural areas. As you probably know, we've been doing a lot of study in this area. Our studies compared organic farms in the cornbelt area that don't use any nitrogen fertilizer at all with conventional farms. In our two-year averages, the income from crops per acre on organic and conventional farms is identical: about $133 per acre. These are mixed-crop, livestock farms.

If you look at the yields, they are slightly higher on the conventional (nitrogen fertilizer) farm, about 10-12 percent. Also the gross incomes are higher. But the net incomes are the same because the expenses are lower on the organic farm due to the enormous cost of the chemicals. I don't think there's any question that farms could back on the use of ammonia and propane. Solar dryers are very effective. This would relieve farmers of the worry of paying higher prices suddenly when the price of propane goes up.

RURALAMERICA. In your book, "The Poverty of Power," you say that ". . . the economic system ought to be designed to conform to the requirements of the production system, and the production system to conform to the requirements of the ecosystem." Is American farming tailored to the requirements of the ecological system?

COMMONER. Well, originally farming was tailored to ecology. The production system has been changed by introducing more and more industrial input, in particular petro-chemicals. Take the business of crop rotation, the use of legumes. Think about what the energetics mean. Nitrogen is essential for the growth of the plants, and a legume is a way of translating solar energy into the type of energy needed to bring nitrogen nutrients into the soil. That I would call a nice linkage—a design for the production system which links it to a renewable source of energy. This is an arrangement that can go on for quite a while; it is stable; the price won't go up. Well, in this country, we have virtually wiped out crop rotation. In the cornbelt there is no crop rotation. You can tell that from the fact that there's been a 75 percent drop in the production of legume seeds in the United States. They're hardly used.

The nitrogen in the soil has to come from somewhere. It comes from the factory. Where does the factory get the energy? It makes it out of air and uses fuel. What you've done is get your nutrients in a way that is unecological because it's a non-renewable source. In fact, while the thing is being manufactured it pollutes the air. And the price is bound to go up because of dimin-

ishing returns on this limited supply. So there's an example of switching away from an ecological dependence to a dependence on industry. That has made the farmer very economically vulnerable to manipulation by industry.

The nice thing about farming was the link to nature, but some people think that's too risky. So they link up with the petrochemical industry. That turns out to be even riskier. But I think we're going to see a return to crop rotation on economic grounds, as the price of ammonia goes up. That's what our organic farmers are doing.

RURALAMERICA. How would the farmer be reimbursed for the extra cost of a return to organic farming methods?

COMMONER. It would pay him more. It's in the social interest for farms to operate as closely linked to nature as possible. It prevents water pollution and air pollution. Decentralized control is better because the farmer knows what he's doing. If this results in a higher price, then it should be paid because it's in the best interests of society.

I made a plot of the gross and net income from agriculture from 1950 to the present. The gross income goes up exponentially. But the costs have also gone up so much that the net income has actually fallen, for agriculture as a whole. The average income per farmer has increased, however, because there are fewer farmers. But agriculture now gets less from society for its product than it got in 1950. Agriculture is more vulnerable than it used to be because it operates at a higher economic level. They have to borrow more money. I think that's in the interest of society as a whole, even if prices are a little bit higher.

I think that if we reorganized agriculture in this country, went back to mixed farming and the heavy use of pasture, we could probably raise as much meat as we do now but at much lower expenditures of petrochemicals and not much change in price. The only thing to say is let's rethink it and figure it out.

RURALAMERICA. What's getting in the way of that change?

COMMONER. A number of things. I think the most serious problem is the dominance of the family farm by the petro-chemical industry. They pretty well dictate, between them and the banks, how crops are raised. You know the story of Nebraska. The banks are called the "fence pullers." When you go for a loan they make you pull up your fences and raise corn because that's a more secure return on their loan. That's a condition on the loan. You can get a quicker return on the loan if you slap fertilizer on the soil. I imagine it would be very difficult to get a loan in order to spend five years building up the organic content of the soil, and get away from fertilizers.

The information and research has also largely been dominated by the petro industry. That's changing though. We had a meeting, the first of its kind that I know of, at our place (Washington University) a couple of weeks ago and it was very interesting. Most of the people there were from Ag schools. There's a growing minority in Ag school that is beginning to understand that the dominance of the petro industry is really not so good for farmers and we are beginning to rethink it a little. So that's beginning to change.

RURALAMERICA. Isn't it true that the mechanization of agriculture has led to increased labor productiivty? Earl Butz is fond of saying that modern agriculture methods have enabled one farmer to support 56 people. Would you like to comment on that?

COMMONER. There's been a tremendous increase in labor productivity and a tremendous decrease in capital productivity. Do you know that the ratio of capital to workers is the second highest, in agriculture, of all industries? The highest one is petroleum. The labor involved in agriculture now is partly back in the factory to produce the chemicals and the tractors. It is hogwash to say that one farmer supports 56 people. It's one farmer plus an auto worker, plus a chemical worker, etc.

Take the whole business of labor productivity. How many people realize that what that really does is put people out of work. 1.9 million jobs per year are destroyed by increases in labor productivity in the United States.

Take the Humphrey-Hawkins bill. They want to solve the unemployment problem but don't mention labor productivity. It's another example of trying to deal with a problem without understanding it, instead of going at the root cause. So they support any industry that says it will create new jobs. The petro-chemical industry will come along and say they'll create ten new jobs, and wipe out 50 jobs in competing industries. And that's fine.

RURALAMERICA. What would happen were we to decrease the capital requirements and systematically decrease the labor productivity of agriculture?

COMMONER. I think there will be many places in industry and agriculture where it will make good social sense to reduce labor productivity in order to save capital, to save energy, and to produce jobs. The important thing to think about is the efficiency with which resources are used. Now the only resources we use efficiently are labor. We use energy inefficiently. We use capital inefficiently. I suspect that if we take steps to improve the efficiency with which capital and energy are used, then the general costs of goods shouldn't go up. It then becomes a question of how income is to be distributed between capital and labor. The situation, described toward the end of the book, is one that the entrepreneur calls it a shortage of capital; where capital productivity has fallen and the rate of profit has fallen. What's being proposed is a reduction in the standard of living. Every report on the shortage of capital calls for cutting consumption.

RURALAMERICA. If we see a reduction in the standard of living, my first suspicion is that it won't be equal across the board.

COMMONER. An article in the "Weekly Energy Report", contained a discussion by industrialists of the capital shortage and what to do about it: Gerald Gweiff, V.P. for finance at Exxon said, "The trouble is there's been too much social engineering and social enrichment and we're going to have to cut back on it."

RURALAMERICA. Isn't that similar to what President Ford said recently in Puerto Rico?

COMMONER. Absolutely, that's exactly what he said. An economist from Chase Manhattan said, "Income redistribution is consumption-oriented. It takes from those who save and invest and gives to those who only spend." In other words the poor can't save, they only spend. If you're short on capital all you can do is cut consumption and foster capital (savings). What you want is people who save more relative to what they consume. That's rich people. They literally favor shifting income from the poor to the rich in order to accumulate capital.

There is no question that the drive of the private entrepreneur to accumulate capital will be to cut the standard of living, and particularly for the lower income. The point of this description is to illustrate the inability of the system to function. It can't work. It can't work! It's like a perpetual motion machine. And what it will do, of course, is to raise very serious social and political problems. You start cutting wages and then there will be some very interesting things happening.

RURALAMERICA. The Rural Electric Cooperatives have long been friends of rural America. They have provided many rural areas with reasonably priced, consumer-controlled electricity. Yet many of these cooperatives have chosen to use nuclear power sources. What do you think of this decision?

COMMONER. Well, I think the first thing to say is that nuclear power is not a good investment. I'm a member of a Rural Electric Cooperative. My farm gets its power cooperatively, and I would complain if they made the decision to use nuclear power. All the evidence I know of points in the direction of nuclear power being the *most* expensive way to produce electricity. In certain parts of the country, it's cheaper than coal-fired alternatives but that advantage is going to rapidly disappear in the next few years. So I think on purely economic grounds this is the wrong way to serve the consumer.

The government seems to be moving in the direction of having fuel production, that is the enrichment step, turned over to private enterprise. The company that was thinking of taking over has already said it would have to triple the price of the operation. So it is very vulnerable to increase in price and I think it is not in the consumer's interest at all. Now, for the privately owned public utility, it makes sense because their rate is based on capitalization and why should they worry if the capitalization is high? They get paid for it.

We have a very interesting situation in Missouri right now. There, the Union Electric Company proposes to build the first nuclear power plant in the state, in Callaway County, west of St. Louis. Naturally, since the plants are very capital intensive, they have to raise $2 billion. Because of the capital shortage, they can't do it out of their own resources. So they went to the Public Utility Commission and asked for the authority to charge their customers for the interest on the loan for the plants, even though the plants are not producing electricity.

RURALAMERICA. For future expansion?

COMMONER. Exactly. The thing that's interesting is that it exemplifies the fundamental issue: economics. So the environmental and consumer groups in Missouri—and I certainly encourage them—have started an initiative campaign on the right of Union Electric to charge their customers the interest on the capital. The campaign has just finished and in three days they collected about twice as many signatures as they needed. I talked to some of the people who were out gathering signatures and they said people were just grabbing the pen out of their hands to sign up. Because it got to the basic issue. I predict that it is very likely that this initiative will pass. Union Electric will then be forbidden to charge its customers for the interest on the capital. As a result, they won't build the nuclear power plant.

RURALAMERICA. What are our alternatives?

COMMONER. Any reasonable energy policy has to recognize that what we have to do is shift over to renewable sources, basically solar energy. Energy conservation is required to ease the switchover.

I think the important thing is for us to understand the way in which the economic/production/social/political system is working and failing to work. To find out where the faults are; why the faults are there, and then I think we can all worry about how to correct it. My aim right now is to analyze, to diagnose, to point out what the trouble is, why we're in trouble. And I'm not at all concerned about inventing anything new, because I think people, once they're informed, can do that very well; they don't need me.

RURALAMERICA. At rural America we often talk about the low road and the high road. The high road being how we look at the future, ten and fifteen years from now. The kind of long-range decisions we think should be made, and discussed, like we've been doing. But, we also talk about the low road. How far are we going to get this year?

COMMONER. Well, we have to connect those two. What immediate position, let's say, on

the use of fertilizer should we have, keeping in mind the general problems we've been talking about. Many of us need to learn how to connect those things. A good example was the initiative in Missouri which is effective because it was perceptively connected to the high road question.

Another example of the low road might be the Energy Research and Development Administration (ERDA) budget. I'm going to have a very serious exercise on that in the next two weeks. I'm going to try to describe a way in which the ERDA budget ought to be recognized in a way that's practical. And at the same time reflects the fundamental realities. That's the low road.

CURBING MEAT IMPORTS

Mr. CURTIS. Mr. President, the Senate Finance Committee approved an amendment relating to meat imports introduced by myself, Senator BENTSEN of Texas, and Senator HANSEN of Wyoming. In a statement in the CONGRESSIONAL RECORD on September 22, 1976, on page 31793, the distinguished Senator from Washington inserted a statement in behalf of himself and Senators INOUYE, KENNEDY, and MUSKIE in opposition to this amendment which they describe as the Dole-Curtis amendment. Senator DOLE supports the curbing of meat imports, but could not be present.

This statement by Mr. JACKSON and in behalf of the others is totally erroneous. It is based on facts not involved in the situation. The Jackson statement says that this amendment would amend the Meat Import Act to exclude meat processing operations from foreign trade zones. This statement is totally untrue. There is no such language in the amendment.

This statement further states:

This legislation would sound the death knell for active and proposed foreign trade zones from Maine to Hawaii.

This statement is to totally untrue. There is nothing in the amendment that would do any such thing.

The Jackson statement further says:

One thousand needed jobs would be eliminated in Puerto Rico. Potential jobs in Minneapolis, Kansas City, and New Orleans would evaporate overnight.

This is absolutely not true.

The statement has this expression: "By effectively prohibiting the importation of meat that is processed in foreign trade zones." This likewise, is totally untrue.

This speech also refers to the amendment as an amendment "that puts meat processing operations in foreign trade zones in a less advantageous position than those operating in foreign countries." This statement is not true.

All that this proposed amendment does is to provide that the meat coming in will be counted in the quota in accordance with the Meat Import Act of 1964. This amendment in no way prohibits any activities now carried on in any foreign trade zone.

My distinguished colleagues who have made this statement have proceeded with the best intentions. I am sure that each of them is interested in the welfare of agriculture. It is apparent, however, that there has been a misunderstanding as to the provisions of the amendment which has been approved by the Committee on Finance.

The purpose of the amendment approved by the Committee on Finance is to cause our meat import program to conform with the original congressional intent of the Meat Import Act. This law was enacted in 1964. It limits the amount of fresh, frozen, and chilled beef, veal, and mutton entering the country.

The existing law is very generous toward importers. It gave Australia a guaranteed quota of approximately 375 million pounds of meat and the right to share in the future growth of U.S. consumption of beef. At the present time, Australia's allocation exceeds 630 million pounds of meat. Not satisfied with this generous treatment, a loophole was carved out. Meat was sent into the foreign trade zone of Mayaguez, Puerto Rico, cut into cubes and packaged. In doing so, the claim was made that it was processed meat, thus preventing it from being counted in the quota.

During the Finance Committee hearing, the opposition witness admitted that this meat was shipped from Puerto Rico to various processors in the United States for further processing. This is a clear admission that this meat could not be classified as having already been processed. Therefore, it honestly falls within the restraint levels in existence. In other words, it circumvents the Meat Import Act of 1964. The amendment adopted by the Finance Committee would clear this up and require that it be included in the quota.

This is no small matter. If this loophole is not closed, it will increase the imports into this country this calendar year by 60 million pounds. This is enough to supply a great many processors. The one processor who testified said he could only use 1 million pounds of it. Actually, it amounts to an importation bringing the count to the equivalent of something over 140,000 head of live cattle, more than enough to adversely affect the domestic cattle price which already is disastrously low.

Whenever our meat supplies come from domestic production, it not only stabilizes the cattle price situation, but it creates many U.S. jobs and it provides a market for the Nation's grain production. The position taken in this speech on September 22, which I have referred to, is clearly against the best interest of American agriculture.

Mr. President, I ask unanimous consent that the language of the amendment in question be printed in the RECORD.

There being no objection, the language was ordered to be printed in the RECORD, as follows:

A bill to amend section 2 of the Act of August 22, 1964, to prevent circumvention of import restrictions through the production or manufacturing of articles from foreign meat in Foreign Trade Zones, territories and possessions of the United States

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 2 of the Act of August 22, 1964 (Pub. L. 88-482, 19 U.S.C. 1202 note), is amended by adding the following new subsection after subsection (f):

"(g) Notwithstanding any other provisions of law, whenever foreign meat described in subsection (a) would be subject to quantitative import limitations provided by law or established pursuant to international agreement if entered for consumption directly into the customs territory of the United States, articles which are produced or manufactured in foreign trade zones of the United States or in Guam, American Samoa, the Virgin Islands or any other possession or territory of the United States from such foreign meat shall be denied entry into the customs territory of the United States unless the quantity of such foreign meat from which such articles are produced or manufactured is expressly included within limitations established pursuant to international agreements or by proclamation issued under this section, or is deducted from the quantity of meat which may be entered into the United States under the quantitative import limitations otherwise provided by law: *Provided,* That this subsection shall not apply to articles produced or manufactured from foreign meat admitted into such specified areas on or before the date of enactment of this subsection."

CONGRESSMAN ANDREW YOUNG TESTIFIES BEFORE JOINT ECONOMIC COMMITTEE ON YOUTH UNEMPLOYMENT PROGRAM

Mr. HUMPHREY. Mr. President, on September 9, the Joint Economic Committee held a hearing on the problem of high youth unemployment and what can be done to create jobs for young people.

The opening witness at this hearing was Congressman ANDREW YOUNG, one of the most knowledgeable Members of Congress on the problem of youth unemployment.

During his testimony, Congressman YOUNG promised to submit for the hearing record the details of a proposal for a national youth service program. His statement is an excellent outline for a program that would provide many of our 3.5 million unemployed young people with productive and useful jobs serving in their local communities.

I ask unanimous consent that Congressman YOUNG's statement on national youth service be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS OF REPRESENTATIVE ANDREW J. YOUNG TO THE JOINT ECONOMIC COMMITTEE HEARING OF SEPTEMBER 9, 1976, ON YOUTH UNEMPLOYMENT

At the conclusion of my testimony, Mr. Chairman, you expressed interest in my proposal for a national voluntary youth service and asked for more details. The plan I would like to submit for your consideration is that put forward by Donald J. Eberly, Executive Director of the National Service Secretariat, at the Hyde Park Conference on Universal Youth Service in April of this year. I participated in that conference and believe that Mr. Eberly's plan is a realistic, positive proposal for addressing the problem of youth unemployment.

I also want to say a word about the cost of national voluntary youth service. The enrollment of one million young people, the figure estimated by both Mr. Eberly and Dr. Bernard Anderson, would mean a budget of some $5 billion per year. Where will the money come from? I suggest to the Joint Economic Committee that it calculate the sum of Federal monies being spent to support young people that would not be spent if they were receiv-

ing the minimum wage as members of a national voluntary youth service. Probably the major programs to consider are unemployment compensation, the summer youth program and various welfare programs. When this analysis is made, I think we shall find that the amount of new money required to operate national voluntary youth service would be substantially below its $5 billion cost.

The following excerpts from Mr. Eberly's paper refer to a program of Universal Youth Service (UYS) and to the Program for Local Service (PLS), an experimental national service program conducted by the ACTION agency.

GOALS AND PRINCIPLES

1. To accomplish needed human, social and environmental services not currently being met.

2. To permit all young people to engage in full-time service to their fellow man.

3. To guarantee to all young people a full year of work experience.

4. To enable young people to gain experience in careers of interest to them.

5. To offer to all young people cross-cultural and non-classroom learning experiences, including practical problem solving, working with people, and the acquisition of specific skills.

6. To foster among young people a sense of self-worth and civic pride.

To accomplish these goals requires a program with certain characteristics:

1. UYS must truly be open to all young people. This means paying special attention to persons who have few skills, are poorly educated, are bashful, or don't get along well with others. While giving them special services, we shall have to be careful not to separate them from others. For example, persons with few skills may do well at conservation camps where they will serve with college-educated environmentalists and where they will receive necessary training. Poorly educated persons may work on health or rescue teams with persons with more education. Those who are shy may need only the services of a friendly facilitator to assist in the first few interviews en route to finding the right position.

2. Successful development of UYS requires a transition period of about three years. The transition period serves two vital functions. First, it allows time for UYS to grow from an idea to a program involving a million or more persons. Various studies suggest that while the need for youth service workers is on the order of four to five million, the number of openings that could be filled in the next three months is not more than 250,000. It will take some time to translate national or local needs into actual positions with organizations. Another constraint on rapid growth is the size of the supervisory staff. While time demands vary greatly, the typical supervisor may expect to spend two hours per week with the UYS participant, perhaps several hours during the first week or two. Few supervisors can handle more than two or three UYS participants in addition to their regular jobs. This ratio is a limiting factor to agencies' acceptance of UYS participants until the next budget cycle permits the hiring of additional supervisory staff.

Second, the build-up period provides for experimentation within the overall program guidelines. The decentralized administration will permit, even encourage, the states and cities to test a variety of approaches for implementing the goals of UYS. There are many ways, for example, in which UYS participants can derive educational benefits from the UYS experience. These will be closely watched during the early years of the program to determine which should be incorporated into UYS and to determine the extent to which educational arrangements should remain flexible.

3. Participation should be arranged by a contract, voluntarily entered into by all parties. The contract would describe the responsibilities of the UYS participant, the supervisor, the sponsoring agency, and the funding agency. This approach would extend the choices open to applicants as well as to sponsors, minimize the possibility of misunderstanding among the parties, and establish a reference point for evaluation of the program.

4. UYS must be based soundly on the need for having services performed. Most of its potential for youth development would vanish if the work were not needed or if the UYS participants perceived the work to be of no consequence. A mandatory financial contribution by the sponsor would help to enforce the worth of their service.

5. Maximum local support of UYS should be encouraged with underwriting guaranteed by the Federal government. Past experience suggests that most cities and states would opt for maximum Federal funding. Still, there is much evidence in recent legislation showing that lower levels of government will have discretionary authority over substantial amounts of money for the purpose of meeting social needs.

6. Persons should be allowed to serve in UYS for no more than four years. A part of the UYS mission is to provide a transition into the world of work, not a lifetime job. The four-year limitation can be accomplished by regulation or by restricting UYS to a four-year cohort, such as 18–21.

ORGANIZATION OF UYS

Clearly, both the needs and the resources exist on a large scale. The process by which they are brought together will vitally affect the degree of success of the UYS effort. There are numerous possibilities, ranging from a highly centralized, tightly controlled hierarchy, replacing present Federal youth programs to the de-centralized, loosely coordinated network of limited opportunities which exists today.

In order to prevent discrimination, both overt and covert, a certain level of Federal control is necessary. Such innocent processes as recruitment and application can develop into highly sophisticated sorting procedures. The Federal government must retain the right to review and rectify such activities.

In addition to the question of Federal control, the Federal funding share can be of varying levels, and can be administered in a variety of ways. This paper recommends an underwriting approach in which Federal funds would not replace other funds already available, but in which Federal monies would be adequate to guarantee service positions to all young people who wanted them. It suggests that funds be administered by state or local levels of government, and that they be obtained from the Federal government by means of the grant-making process.

There is also the decentralization issue, as exemplified by such activities as recruitment and placement. Should all applicants apply to Washington, D.C., there to be classified and sorted and placed, or should a more personalized local mechanism be used? This paper suggests that essentially all application and placement procedures take place at the state or local level. At the same time, there would be enough common elements in all UYS programs to give UYS a clear image nationwide, and to permit certain generic recruitment activities to be undertaken on the national level.

Finally, should UYS be housed in a new agency or an old one? This paper suggests a combination. A new entity would be needed at the national level to perform a new function. At the state and local level where programs were administered, there would be no new organizations but a sometimes new coalition of existing organizations. At the level of the sponsor, where the actual UYS participant would work, new organizations would not be ruled out but the great bulk of activity would be conducted by existing organizations.

If we were constrained to operate UYS through present programs, we would probably start with the Youth Conservation Corps and ACTION's Program for Local Service. Neither of these programs is limited to a particular class of people. Then we would add a few restrictive programs such as College Work Study and selected Titles of the Comprehensive Employment and Training Act. We would try to articulate these in a way that led to no systematic discrimination. The next stage would be to bring in programs which emphasize the services to be performed. These may be found in abundance in the Department of Health, Education and Welfare, and to a somewhat lesser extent in the Departments of Justice, Housing and Urban Development, Agriculture and Interior.

The approach has a certain appeal and, given the time lag in achieving new legislation, may be the preferred way to begin UYS. The toughest problem once all the negotiations were concluded at the Federal level, would be to achieve a consistency in the articulation among programs at the state and local level. We can find a few examples of genuine and effective cooperation. The persistent problem would be in trying to achieve a replication of such cases to the end that "all young people have opportunities for full-time civilian service."

Perhaps it can be done. Even so, it may be useful to have before us another organizational model, one that comes directly from the set of UYS goals and principles.

The recommended organization for UYS is the public corporation; it would be accountable to the President and the Congress but somewhat removed from day-to-day political pressures. A suitable vehicle for fostering local initiative and decision making while retaining basic program design is the Federal grant. This mechanism can be used to fund UYS projects. In brief, the system would be organized as follows:

a. A Foundation for Universal Youth Service would be established by law. It would be a quasi-public organization, similar to the Corporation for Public Broadcasting, and would receive appropriations from Congress.

b. The Foundation would be operated by a 19-member Board of Trustees, with 12 of its members to be appointed by the President, with the advice and consent of the Senate, and following persons to serve as ex-officio members: the U.S. Commissioner of Education, the Commissioner of the Office of Youth Development, the Employment and Training Administrator of the Department of Labor, the Director of ACTION, the Director of the U.S. Forest Service, the Director of the National Park Service, and the Director of the National Youth Service Foundation.

c. Also, an Advisory Council would be created to advise the Board of Trustees on broad policy matters. It would have 24 members with at least eight under 27 years of age at the time of appointment. Members of the Board would meet at least three times a year.

d. Present Federal programs providing opportunities for youth service would remain in effect. These include the Peace Corps, VISTA, Teacher Corps, College Work Study Program, Job Corps and youth corps programs funded by the Comprehensive Employment and Training Act. The Youth Conservation Corps would be modified slightly to permit 15–17-year-olds to engage in other than strictly conservation activities and to explain UYS to the enrollees. After three years of UYS operation, Congress would examine all of these programs to determine the appropriate degree of consolidation among them.

e. The Foundation would invite units of state, regional and local governments to submit grant applications, outlining plans for

the operation of UYS within the specified guidelines. The Foundation would award grants on the basis of merit and the funds available. In considering proposals the Foundation would give particular attention to the priorities allocated to job placement, accomplishment of needed services, education and training, and youth development. The ideal proposal would reveal a balance among these goals supported by participation of the respective agencies in program administration.

f. Grantees would have exclusive jurisdictions, as defined in the grant application. Thus, several cities in a given state could be UYS grantees and the state government could be the grantee for the balance of the state, as in CETA.

g. Grants would run for periods of up to three years. Upon receipt of the grant, the grantee would announce the program and invite participation by persons ages 18–24. At the same time, it would invite participation by public and private non-profit organizations interested in becoming UYS sponsors.

h. UYS would have two major options: Community Service and Environmental Service. Community service would be modeled after PLS. Applicants would interview for a wide range of local community service projects sponsored by public agencies or private non-profit organizations. Those who wished to travel in search of Community Service projects would do so at their own expense and would register with the local UYS agency. UYS would make no special provisions for them.

i. Most sponsors of the Environmental Service option would be Federal, state, or local agencies. Most environmental projects would require travel costs as well as expenditures for supplies and equipment. Such costs would be the responsibility of the sponsor, not of the Foundation. Where lodging and food were provided by the sponsor, it would be entitled to reimbursement by the UYS grantee from whose jurisdiction the participant was recruited.

The UYS operational process is outlined in the appendix. Let us examine how UYS might provide for its enrollees after completion of service, and how UYS might remain responsive to current needs.

After Service in UYS. As indicated earlier, UYS is seen in this model as a transition program. It is not a lifetime job, nor does it guarantee employment upon completion. Still, UYS should include certain features that would facilitate the employment and further education of its members.

First, UYS should be a source of information about jobs and education. This information could take the form of newsletters, job information sheets, opportunities for counselling, and referrals to such institutions as the Employment Service and the Community Education-Work Councils proposed by Willard Wirtz.

Second, UYS should certify the work performed by the participant. The certification should be of a descriptive nature, not a judgmental one. Such a certificate should enable the outgoing participants to get beyond the initial hurdle to jobs for which they are qualified.

Third, consideration should be given to offering UYS participants an educational entitlement, a GI Bill for Community Service along the lines proposed by Elliot Richardson and Frank Newman in 1972. At a time when the GI Bill for military service appears to be on the way out, and financial support packages consisting of loans, grants and work-study, are making opportunities for higher education almost universal, this is a complex issue. But if the nation wants to construct incentives for participation in UYS, an associated educational entitlement is one of the most consistent ways of doing it.*

Fourth, the Women in Community Service and Joint Action for Community Service programs of the Job Corps should be adapted for utilization by UYS. These programs utilize volunteers to recruit, counsel, and place Job Corps enrollees. It is a service that could provide special help for low-income young people without having a stigmatizing effect on the program.

A 5% Fund for Experimentation. The paper on Youth Service Milestones from 1945–75 describes the changes that have been rung on the national service idea in the past two decades. First it was viewed as a way to demonstrate our commitment to peace, then as a draft alternative, then as a means of enabling students to acquire relevant education, now as a way to solve the youth unemployment problem.

Throughout this period, there has been little change in the basic concept: All young people would be assured of opportunities for meaningful service, and underwriting would be provided by the Federal government. Hence, it is reasonable to suppose that such a program would have stood the test of time.

In the future, all signs point to greater changes over shorter periods of time. If we as a nation continue to procrastinate over the adoption of national service, there is a good chance that it will be imposed on us out of necessity. It will be a crash program, hurriedly assembled and inefficiently managed.

Even if the model youth service program outlined in this paper were adopted today, it might prove too rigid to meet the unforeseeable demands of five or ten years in the future. Such needs might be better anticipated if sufficient experimental funds were allocated to the UYS program. It is suggested that 5% of the total budget be devoted to testing new forms of youth service programs. These could range from Canada's Opportunities for Youth to Israel's several models of youth involvement. The Student Originated Studies program sponsored by the National Science Foundation might serve as a model for youth-initiated projects. Also certain cultural and public works projects falling outside the standard UYS criteria could be tested under the experimental program.

OPERATION OF UYS

The process of initially identifying UYS sponsors and participants may best be described by imagining that we are in a city or state that has just received a UYS grant. Let us trace the process first for young people and then for the sponsoring agencies.

Young people learn of UYS from numerous sources, including word-of-mouth, newspapers, radio, television, schools, colleges, youth clubs, and religious groups. Where mailing lists are available persons from 18 to 24 are sent information packets on UYS. Elsewhere, intensive efforts are made to make the packets easily available through a variety of channels.

(By the second year of UYS, many 18-year-olds will become acquainted with UYS through participation in the modified Youth Conservation Corps. These YCC camps are residential, 8-week summer camps with from 100 to 200 persons at each site. Each camp has these features:

The major part of the time is devoted to performing needed conservation and community services.

Some time is devoted to giving necessary training to the young people and to reflecting with them on what they have learned from their service experience.

The participants are informed of their options under UYS when they reach the age of 18.

Each camp has a socio-economic mix of young people which reflects the population of the surrounding area.)

A simple, one-page application form is included in the information kit. Persons interested in joining UYS complete the form and send it to the local center for processing. By return mail the applicant receives an invitation to attend a one-day orientation session to be held within one month.

For applicants who haven't yet decided which branch of UYS to join, further information and counseling is available at the orientation session. Also, pending legal and medical problems are reviewed at this time and a determination is made as to whether the application can proceed or has to await resolution of such problems. Each qualifying applicant completes a one-page resume and receives a voucher and agreement form.

The resume serves as an introduction to the potential sponsors and describes the applicant's educational background, work experience and interests.

The voucher guarantees a certain level of financial support and health care by the U.S. government in return for the performance of needed services by the applicant and compliance with the regulations by both applicant and sponsor.

The agreement form provides space for the applicant and sponsor to spell out the duties of the applicant, the training and supervisory responsibilities of the sponsor, and other particulars relevant to the job.

Next, applicants have direct access to a computer terminal where they compile a list of positions which interest them. Applicants then receive brief training in interview techniques and make appointments for one or more interviews with sponsors. Normally, officials from the Environmental Program are available at the orientation session. Agreements may be completed and the voucher signed and certified by the end of the day. For persons seeking positions with Community Service agencies, it may take several days to complete a round of interviews leading to agreement between applicant and sponsor.

The final agreement states the date of beginning service and provisions for training and transportation. UYS normally provides for one day of training on administrative matters. Work-related training is the responsibility of the sponsor and is given as part of the service period unless otherwise provided for in the agreement.

Sponsors are recruited in a somewhat similar fashion to that used for participants. Sponsorship is universally open to public and private non-profit agencies. Sponsors may request UYS participants for positions meeting certain criteria:

No displacement of employees
No political nor religious activities
No use of firearms

The sponsor certifies that it is prepared to contribute $200 per man-year of service and to provide the necessary supervision and in-service training. Also, the sponsor agrees to participate in a one-day training session before receiving any UYS participants.

Sponsors' requests are open to public review for a period of one week. Where challenges are made, the grantee investigates them and makes a determination. Those position descriptions which successfully pass through this process are entered into a computer listing, where they are immediately accessible to UYS applicants in the area. It is from this listing that applicants set up interviews and the agreement process goes forward.

Should there be more than negligible abuse of this clearance process, it would be neces-

* Several possible models are presented in The Community Service Fellowship Planning Project by Robert L. McKee and Michael J. Gaffney, American Association of Community and Junior Colleges, One Dupont Circle, Washington, D.C. 1975. The study was funded by ACTION. In a typical model, persons in full-time community service would be entitled to $150 of educational benefits per month of services, with a minimum service period of six months.

sary to set up formal review committees, including union officials, to pass on each application for a UYS participant.

Decisions affecting the retention or dismissal of UYS participants have to be made individually, with extenuating circumstances given due weight. Still, guidelines are needed.

The guiding principle is the participant's willingness to serve. The written agreement spells out the duties and responsibilities of both participant and supervisor. The participant who is repeatedly late for work or neglectful of agreed-upon duties appears to be giving a clear signal of an absence of a willingness to serve. Dismissal seems to be in order. By contrast, another participant simply cannot master an assigned job even while making every effort to do so. Here, an in-service training program or a lower-level job, accompanied by a re-negotiated contract, is indicated.

When sponsoring organizations fail to live up to the terms of the agreement, the participant is assisted in securing another placement and the sponsoring organization is removed from the computer listing. Participants who are dismissed for failing to comply with the terms of the agreement are normally ineligible for re-enrollment in UYS.

FOREIGN INTELLIGENCE SURVEILLANCE BILL

Mr. HRUSKA. Mr. President, I rise to comment briefly on the foreign intelligence surveillance bill, S. 3197. It now appears that this measure cannot or will not be acted upon in this session. This is indeed unfortunate.

It should be well noted, Mr. President, and a number of my colleagues alluded to it the other day, the fashion in which this bill has developed. It was a long, but constructive process which began in the Senate Judiciary Committee, with subsequent referral to the Select Intelligence Committee. Each of these committees, with the consultation of the Attorney General and a number of congressional leaders, carefully considered all aspects of this legislation.

There has been a gratifying accommodation of varying viewpoints originally held and espoused by different Members. The urgent and vital need for this legislation was clearly perceived and as a result, the bill gained bipartisan and broad-based support. It is unfortunate therefore that the Congress will be unable to act in the 94th Congress.

Mr. President, the bill creates a procedure for seeking a judicial warrant to authorize the use of electronic surveillance in the United States for foreign intelligence purposes. By providing such a procedure, the bill interposes a neutral, detached, and independent magistrate between the executive officer and the individual.

PROPER BALANCE

S. 3197 strikes a proper balance between the civil liberties of the individual and the need for this Nation to collect foreign intelligence information important to its security and its conduct of foreign affairs. In providing for a warrant, the bill should reassure the American public that no individual will be subject to electronic surveillance without a judicial warrant issued by an independent magistrate authorizing the use of such an investigative technique. In establishing a regular procedure for conducting electronic surveillance, S. 3197 insures that the Government will be empowered to collect foreign intelligence information necessary for the United States to discharge its responsibilities in this modern era.

Mr. President, the bill provides that a court order approving electronic surveillance may be granted by any one of seven district judges designated publicly by the Chief Justice of the United States. It is necessary to so limit the number of judges who will have access to this critically sensitive information in order to provide proper security measures. They will be supplied not only with the names and addresses of the persons actually subject to surveillance, the compromise or disclosure of which might seriously harm our intelligence efforts, but also with information justifying belief that such person is an agent of a foreign power. Such information, if leaked inadvertently, might expose to risk or suspicion, not just a particular operation but might put informants' lives in danger or compromise unnumbered other operations by which the information as to the targets' activities was developed. Moreover, limiting the number of judges, it will be possible for a rapid growth of expertise to be developed by these judges in this very sensitive and critical area.

PRESIDENTIAL POWERS PRESERVED

The Attorney General has testified before several committees about the careful exercise of the President's inherent power to acquire foreign intelligence information within this administration. The situations in which electronic surveillance may be utilized pursuant to the President's powers have been strictly circumscribed to encompass only activities of foreign powers or their agents; and strict procedural requirements before any electronic surveillance may be approved have been adopted. But internal safeguards, adequate and constitutional as I believe them to be, do not substitute for a judicial warrant in terms of reassuring the public that the power is being carefully and accountably exercised. Section 2528 of the bill provides for additional safeguards on the exercise of this power without meeting the obvious constitutional problems head on.

Mr. President, as the Attorney General has testified:

> The case law, although unsatisfactory in some respects, has supported or left untouched the policy of the Executive in the foreign intelligence area whenever the issue has been squarely confronted.

Two circuit courts have held that the President has a constitutional power to engage in electronic surveillance for foreign intelligence purposes and that this power may be exercised without a judicial warrant. See *United States* v. *Butenko*, 494 F. 2d 593 (3d Cir.) (en banc), cert denied, 419 U.S. 881 (1974); *United States* v. *Brown*, 484 U.S. 418 (5th Circ. 1973) cert. denied, 415 U.S. 960 (1974). While a plurality of the Circuit Court for the District of Columbia in *Zweibon* v. *Mitchell*, 516 F. 2d 594 (D.C. Cir. 1975), stated, in dictum, that the President's power with respect to foreign powers and its agents should be exercised pursuant to a judicial warrant procedure, its holding was far narrower and was consistent with the holdings in Brown and Butenko. The court held only that "a warrant must be obtained before a wiretap is installed on a domestic organization that is neither the agent of nor acting in collaboration with a foreign power." The Supreme Court has not directly confronted this issue, expressly reserving this question in *United States* v. *U.S. District Court*, the Keith case.

CRIMINAL STANDARD

There is no requirement in this bill, Mr. President, that the target of the surveillance be actually engaged in the commission of a crime. Nor should there be such a requirement.

Our espionage statutes were written before World War I, and the nature of intelligence gathering has changed a great deal in the year since that time. Much espionage today is directed at industrial processes and trade secrets. Gathering of such information even by foreign agents for the benefit of foreign powers who are not allies is generally not illegal. Yet the Government should be able to discover these clandestine activities.

Furthermore, even activities which in their completed state would constitute crimes, in incipient stages may not be illegal. Yet, unless the Government is given the tools to collect information about foreign intelligence services working at the direction of a foreign power, it may not be able to discover the completed offense. Gathering embarrassing personal information about persons for possible use as blackmail is not a Federal crime; enticing persons into personally or financially embarrassing situations is not a Federal crime. Yet when persons acting pursuant to the direction of a foreign power engage in such activities for clandestine intelligence purposes it is critical that the Government be able to use electronic surveillance not only to protect our national security but to protect the privacy and rights of those innocent individuals who might suffer if such activities went undetected.

BIPARTISAN SUPPORT

Once again, Mr. President, let me emphasize the bipartisan and widespread support that this measure has enjoyed. It was originally introduced by Mr. KENNEDY and cosponsored by Senators NELSON, MATHIAS, SCOTT of Pennsylvania, MCCLELLAN, BAYH, BYRD, and myself. The bill was reported by a vote of 14 to 1 in the Select Committee on Intelligence. This bill has received long, painstaking and intense scrutiny by both of these committees.

The bill reflects the composite views of a number of Senators who vary widely in their philosophical and ideological persuasions. But one thing is common to the bill. It is a major reform in an area of extreme complexity but of utmost importance to the survival of this Nation. This importance is shared, Mr. President, by a majority of my colleagues and I am hopeful that early in the next session of Congress positive action can be taken to enact this important legislation.

THE SUNSET BILL

Mr. STENNIS. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from me to Senator CANNON of the Rules Committee, regarding the proposed Government Economy and Spending Reform Act, known as the "sunset" bill.

I understand that this proposal will not be called up for consideration during this session, but I would like to have this statement in the RECORD in order to show the impact of this bill on the procedures of the Senate Armed Services Committee.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
September 16, 1976.

Hon. HOWARD W. CANNON,
Chairman, Committee on Rules and Administration, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I appreciate your request for my views on S. 2925, the Government Economy and Spending Reform Act of 1976, known as the "Sunset" bill. Basically this bill does two things. First, it terminates all existing authorizations for the Department of Defense as of September 30, 1979. Secondly, it requires a zero based review and extensive reports on each separate defense program by May 15, 1979.

I fully realize that this legislation covers most of the Federal budget and I am aware of the problems of applying identical requirements to many hundreds of Federal programs. Although time has not permitted an analysis in depth, I have reviewed this legislation from the viewpoint of the Armed Services Committee and its responsibilities for the Department of Defense.

Basically, I have no disagreement with the objective of this bill of forcing improved Congressional oversight and eliminating duplicate programs, particularly some of the non-defense activities which are not annually reviewed and authorized in the manner of defense programs.

I do, however, have strong reservations, particularly as the bill relates to the Department of Defense, in that the bill imposes tremendous procedural and paperwork burdens on the committee and on Congress generally. This additional burden will make oversight more difficult due to the attention on massive budgetary detail, rather than policy matters. I shall set forth below certain requirements in this legislation, together with my comments. Among other things the bill:

(1) would terminate, as a matter of law, all military authorizations on September 30, 1979. To reenact all of the authorizations relating to the Department of Defense in titles 10, 32, 37, 38 and 50 of the U.S. Code (11 volumes of law) would be a massive task, even if no changes were made.

Incidentally, this bill would terminate the appropriation authority for military retired pay which, to say the least, would have a profound impact on the one million military retirees and their dependents in cutting off their retired pay. I might also observe that Civil Service and other Federal civilian retirement programs are exempted from the termination clause. Time has not permitted a review of the impact of terminating the hundreds of other programs throughout the U.S. Code titles just mentioned.

(2) requires, with respect to the zero based review, a 5-section *tentative* plan to be submitted by the committee to the Senate on each program. Following the tentative 5-section plan there is a requirement for a further 5-section *final* plan to be submitted under the same procedures.

Following these two reports, there is required a suggested 9-section zero based review for each program. Following these three sets of reports, the bill further requires that a 7-section report be submitted by the committee to the Senate to accompany the new authorization for each program. I have been advised that as many as 1,500 reports would be required for *each* of these four major reporting procedures with respect to the Department of Defense alone. The bill further requires that these reports be referred to the Senate, to the Executive Branch, and to the General Accounting Office. The agencies which assist the Congress in various ways (the General Accounting Office, Congressional Budget Office and others) would review and comment on hundreds of reports as would the Executive Branch agencies. These reviews would then be returned to the committee.

It is extremely hard to see how this volume of material would be of assistance to the committee members in carrying out their duties. This process would impose a workload of impossible proportions for the committee. The Government Operations Committee, I am afraid, seriously underestimated the workload which this bill would impose on the Armed Services Committee.

(3) requires that compliance with all the new procedures on defense authorizations be accomplished in one year—1979. The workload I discuss above makes any meaningful accomplishment of such a monumental task impossible.

(4) would apply the new procedures in the first year of operation to the defense category, by far the largest to be affected. Under these untested procedures, only Defense, among the large budget categories, would be reviewed in the first year. Some of the domestic programs more limited in scope might appropriately be subject to the first testing of these procedures, if they are to be enacted at all.

(5) would provide for the transfer of certain authority from elected members of Congress to various external agencies (General Accounting Office, Congressional Budget Office, Office of Technology Assessment and the Congressional Research Service). This results from the fact that the General Accounting Office would be required to furnish each committee with information with respect to programs within the committee's jurisdiction. No practical mechanism appears in the bill for committees to change the General Accounting Office determination. Thus, the General Accounting Office would be the arbiter of committee jurisdiction over the budget. I do not believe that the committees of the Senate should be required to be responsible to the General Accounting Office for any kind of determinations on the committees' own jurisdiction.

(6) requires for the first time, to my knowledge, that the committees of the Congress report, by law, both to an external agency (the General Accounting Office) and to the Executive Branch of the government which, in the case of the Armed Services Committee, would be Department of Defense and other agencies. The stockpile report, for instance, would be submitted by the committee to the General Services Administration. The Congress should not be required to report to outside agencies for the purpose of assisting the Congress in doing its own work.

(7) would subject sensitive, classified national security data to disclosure. Voluminous reports are required to be submitted to the General Accounting Office with the General Accounting Office in turn also having the authority, in law, to disseminate all of this information. The bill contains no authority for the withholding of any data in the reports, even though such information may be classified. In other words, this bill does not protect classified information. How would the National intelligence budget, 85 percent of which is in the Department of Defense, be treated under these procedures? I would point out that under this bill, a zero based review is required for all national intelligence activities with all the required reports to be submitted to the General Accounting Office and the Executive Branch, whether or not any of these agencies have need for these reports. The bill which does not provide for the public disclosure of classified data does not provide authority for withholding this data from the General Accounting Office or the Executive Branch.

(8) fails to set forth the cost of this legislation, either in the bill or the committee report, despite the legal requirement of a cost estimate as set forth in the Legislative Reorganization Act of 1970 and the Congressional Budget Act of 1974. This bill would obviously involve a huge expansion of staff personnel, computer effort and various other support, as well as the hiring of additional people in the General Accounting Office, the Congressional Budget Office and the Executive Branch to process this voluminous data. There are 22 sections in this bill which require new actions by the various agencies which assist the Congress (the General Accounting Office, Congressional Budget Office, Congressional Research Service of the Library of Congress, and the Office of Technology Assessment). These various organizations, which technically come under the legislative branch, have grown in cost from $172 million in 1970 to $489 million in 1976. The number of personnel employed in Congressional staffs has increased 44 percent since 1970. This bill will undoubtedly necessitate another large increase. The Congress, the Rules Committee and the public should know in precise terms what this bill will cost. The total annual budget for the Congress as a whole is now almost $1 billion.

(9) has a number of serious language ambiguities. With regard to defense, there is no firm definition of the term "program". Sec. 2(a)(5) states the term program "includes, but is not limited to, Government programs, which are carried out, whether in whole or in part, under regulatory authority". No definition is provided for the term authorization. Examples given in the Report of the Committee on Government Operations pertain mostly to separate responsibilities of non-defense agencies. Yet the definition of these terms is essential to understanding the bill's impact on defense.

(10) necessitates the cooperation of the Executive Branch but fails to recognize the opposition testimony by the Executive Branch on this legislation. I understand the testimony against the bill by the Executive Branch was mainly on the grounds that the procedures are too mechanical and inflexible and should be more related to real priorities for program review. Under these circumstances, it would be better to work out a more common approach with the Executive Branch next year, rather than freeze both the Congress and the Executive Branch into the untested procedures contained in S. 2925.

The Defense program is the largest program authorized on an annual basis in the Federal government. However, the procedures used by the Armed Services Committee for the annual authorization of defense programs are totally different from those contained in this bill. We now authorize over 700 research and development program elements, some 308 manpower accounts, as well as numerous procurement and construction line items. In total, some 70 percent of the Defense budget is covered directly or indirectly in a detailed fashion by these annual authorization procedures. However, there is a vast number of additional authorizing legislation for such things as military pay, retirement, organization, promotion and administration which are not authorized an-

nually. The procedures of S. 2925 would terminate all of these authorizations, creating an enormous paper workload and would cripple both the policy oversight and the detailed legislative process now performed by the committee on an annual basis.

I would respectfully urge that the Rules Committee consider the reservations I have set forth in connection with this bill.

Sincerely,

JOHN C. STENNIS.

FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1976

Mr. PERCY. Mr. President, while S. 3197, the Foreign Intelligence Surveillance Act of 1976, will not be scheduled for a floor vote before the October 2 Senate recess, I do want briefly to state my position on this most important legislation. I regret that the Congress will not act in the foreign intelligence surveillance field because I feel that S. 3197 could go a long way toward bringing an important area of Government activity under the rule of law.

S. 3197 would establish procedures for the granting of judicial warrants to Federal agents for the electronic surveillance of a foreign power or an agent of a foreign power. A limited number of judges appointed by the Chief Justice of the United States would review applications submitted by Federal agents for electronic surveillance within the United States. An application for a warrant approving such action would be granted only if it met with certain criteria designed to protect basic constitutional rights.

In any attempt to place electronic surveillance of foreign intelligence under the control of the law, it is necessary to be sensitive to two countervailing requirements of our Government. First, it is essential to the effective conduct of the Nation's foreign policy and, indeed, in some cases to our national survival, that foreign intelligence information be gathered and analyzed. But just as important and as fundamental to our survival as a free people, is the need to protect the constitutional rights of all. In the zeal to gather information, we must not sacrifice the basic rights for which this Nation was founded: the right of privacy without Government intrusion, the freedom from unreasonable searches and seizures, and the right to hold any opinion, and to advance that opinion in speech and writing, without fear of Government intrusion or harassment.

We have all become aware of the abuses of the Federal intelligence agencies in recent years, much of this due to inadequate oversight by the Congress. The rights of many Americans have too often been overlooked in the effort to gather more information. National security has too often been used to give a cloak of legality to surveillance of loyal American citizens acting in a perfectly lawful fashion. S. 3197 is an important step toward reaching a reasonable balance between these twin needs for foreign intelligence information and for preserving our constitutional safeguards and I commend Attorney General Levi and the distinguished Senator from Massachusetts for their diligence in drafting this bill. I support the concept of this legislation because it would allow sufficient freedom for intelligence-gathering operations, while introducing the procedures to curb abuses which might occur.

While I am in basic agreement with S. 3197, I have certain concerns which I do not feel were adequately addressed in the legislation reported to the floor. Under the bill, as presently drafted, an American could be the target of electronic surveillance without probable cause having been shown that he had been involved in criminal activities. These cases would be limited to individuals who, pursuant to the orders of a foreign intelligence network, transmit information to that network. However, even with these restrictions, the present bill would allow the surveillance of Americans who are innocent of any crime.

Furthermore, surveillance without showing probable cause of criminal activity may well violate the fourth amendment to the Constitution which states that the people are to be secure "in their persons, houses, papers, and effects, against unreasonable searches and seizures" and that "no warrants shall issue but upon probable cause." An amendment to correct this deficiency, which was noted in the Church Intelligence Activities Committee report, would greatly improve the bill.

A second shortcoming of S. 3197 is its implicit acceptance of the possibility of inherent Presidential powers to order electronic surveillances even if such action is outside the scope of this bill or if certain extraordinary circumstances exist. The issue of inherent Presidential powers is a matter for the courts to determine. In my view, the Congress should remain silent until the Supreme Court has stated authoritatively whether the President has inherent powers in this area.

Finally, S. 3197, as presently drafted, would provide that a national security official, designated by the President, would be the sole person allowed to certify to a court considering a warrant application that the information to be intercepted by surveillance is the sort of foreign intelligence covered by the legislation. Under the bill, no court would have jurisdiction to review the decision of this executive official. This would mean that judicial warrants would be issued in the field of foreign intelligence surveillance when an important aspect of probable cause would have been determined not by a neutral judge but by an official of the executive branch which would itself be seeking the surveillance authority. Amendments have also been discussed to solve this problem.

The Foreign Intelligence Surveillance Act of 1976 is an important step in the right direction. It is essential that electronic surveillance be governed by legal procedures which are reviewable by the courts. I support the concept of S. 3197 and commend all those Senators who have worked so well and so long in fashioning it. If enacted into law, together with some of the changes I have discussed, this legislation would begin to restore the proper balance between the gathering of foreign intelligence information, and the protection of our basic constitutional rights.

INDICTMENT OF FBI AGENTS FOR BREAKING AND ENTERING OF THE WEATHER UNDERGROUND

Mr. CANNON. Mr. President, I would like to point out that while the Watergate revelations of the past few years have undoubtedly had a positive effect in creating a new sense of morality for all of us, they are also having a negative effect.

That negative effect can be seen in the retroactive application of the post-Watergate morality to events that occurred in this country in the turbulent 1960's and early 1970's.

I refer specifically to the current inquiry by the Department of Justice into surreptitious entries made by the FBI into the dwelling places of individuals associated with underground terrorist organizations and activities.

In the current attempt by the Justice Department to seek Federal grand jury indictments of those FBI agents involved, it seems to me that several highly pertinent factors are in danger of being overlooked.

First, what is being overlooked is the fact that far from being the common burglars any indictment today would suggest they are, these agents were loyal and professional law enforcement officers working entirely within the scope of the FBI's authority in an attempt to apprehend dangerous criminals in the foreign intelligence field.

Second, the nature, the commitment, and the actions of that terrorist underground movement is also in danger of being overlooked today. And, third, so is the whole climate or ambience of those troubled years.

In committing those surreptitious entries in 1972 and 1973, the FBI was investigating and attempting to disarm an extremist organization committed to terrorist urban warfare for the avowed purpose of bringing about a revolutionary change in our society. This was an organization whose followers were and are scornful of democratic government and of democratic institutions.

This was an organization whose members had shown a total disregard for the lives of innocent citizens, a terrorist underground organization claiming responsibility for numerous bombings throughout the United States, including the 1971 bombing of the Capitol and the 1972 bombing of the Pentagon, an underground guerrilla organization whose bomb factory in New York blew up in 1970 with such force that it gutted a three-story brick townhouse and left only scraps of the three radical bomb-makers who caused the blast.

The attempt by the FBI to counter the threat of this terrorist group committed to violence and to the destruction of our system of government was, in my opinion, justified. The attempt to immobilize this terrorist group was, in my opinion, a measured and reasonable, not an arrogant or a capricious response to the reality and the continuing threat of underground violence.

But in any case, the decision to move against this threat, the decision to break and enter the dwelling places of those who belonged to the organization and who espoused its philosophy of political

action through terror and violence, was not a decision made on their own by those FBI field agents who are now facing prosecution for the crime of burglary.

On the contrary. Those agents were simply following orders to accomplish what 5 years ago was regarded as permissable and certainly justifiable law enforcement procedure against a homegrown terrorist group impossible to infiltrate and having well-documented connections with foreign elements hostile to the United States.

If there are prosecutable offenses involved in the decision to break and enter the premises where these terrorists lived and worked, responsibility for these offenses should not be fixed on the agents who made the surreptitious entries, it seems to me, but should rather be fixed at much higher levels within the Department of Justice itself, or even on still higher levels of the Federal Government.

Certainly, the courts have recognized that responsibility for governmental actions must rest at the top. Last May, the U.S. court of appeals clearly emphasized this important point when it reversed the conviction of two men involved in the breaking and entering of Daniel Ellsberg's office to obtain information about the unauthorized release of the Pentagon Papers.

This court decision is, in my opinion, directly relevant to the cases of the FBI agents now threatened with the charge of burglary in the effort of this Government to stop terrorist bombings in the United States.

To consider these responsible, professional law enforcement agents common burglars for actions taken by them under orders and in the best interests of public safety, is absurd. It represents a complete misunderstanding of what Watergate was all about and a misapplication of the so-called Post-Watergate morality of today to events and to actions that were reasonable and proper under the circumstances in which they occurred 5 years ago.

Indeed, continued outbreaks of terror and violence in this country even in this present Bicentennial year, suggest to me that the Department of Justice has more compelling responsibilities than the indictment of these agents and the inevitable further weakening of the effectiveness of the FBI.

ORLANDO LETELIER AND THE SITUATION IN CHILE

Mr. HELMS. Mr. President, a number of statements which have been made in the Senate and in the House about the murder of Orlando Letelier prompt me to offer a few remarks this morning about the implications of that terrorist act and their relationship to the present Government of Chile.

Understandably, it is very disturbing to the people of the United States when an act of political terrorism takes place on the streets of our Capital. Although such acts have taken place from time to time, we can be thankful that they still remain the exception, and that the horror of a grisly tragedy still makes a profound impact upon our people.

Although hundreds of murders routinely take place in our great cities—and cities such as, say, Detroit and New York—operate almost on a siege basis, we all recognize that the inclusion of a political element in murder goes to the very depth of our social organization and governmental institutions.

Fortunately, the United States still has the luxury of regarding such acts as exceptional. In other parts of the world, political terrorism has become routine, a cancer eating away at the social and economic organization of free society. And although there is a sentimental disposition on the part of some to regard such acts as the expression of frustration over social injustice, the fact is that political terrorism is more often the product of a calculated plan to disrupt and destroy free societies.

Such is the case in Latin America today. I do not profess to be an expert on Latin American problems, but I have made it my business to learn as much as I can about our sister republics to the south.

The intense preoccupation of our Nation with Southeast Asia and the Middle East has distracted us from our own hemisphere; yet it seems to me that if we are going to establish firm alliances in the world, and develop a close working relationship with a bloc of nations that will stand together for political and economic freedom, our future lies with South America.

While the so-called Third World turns increasingly Socialist and even Communist—and openly anti-American—a fourth world, anti-Communist and anti-Third World, is developing to the South. Whereas only 10 or 12 years ago it was believed that all of Latin America would quickly turn to socialism, one by one those countries have rejected that path.

Today at least 80 percent of the continent of South America, measured by both geography and GNP, is on the road to a new future.

Whether that future will be alined with the United States—and with our ideas of political and economic freedom—will depend greatly upon our understanding of their problems and our assistance in their present struggle to re-establish stable anti-Communist institutions in the wreckage created by socialist thinking and Communist terrorism. As things stand today, there is a greater potential for friendship with the anti-Communist nations of South America than any other substantial group of nations in the world.

That is why I traveled to South America in an attempt to see for myself what is going on. And the picture I have seen is considerably different from what is constantly portrayed in our news media, and what is often stated here on the Senate floor. Although countries such as Brazil, Argentina, Uruguay, and Chile are by no means perfect, neither is our own. Yet with our vast resources, it is difficult to understand what traumatic experiences these countries have gone through at the hands of the left. They saw their societies dismantled, first by leftwing opportunism of their politicians, destroying their economic base; then their political rights and freedoms were destroyed by acts of leftwing terrorism such as the one which occurred in Washington the other day.

It is simply not true that these countries have been dominated in the past by rich oligarchies exploiting millions living in grinding poverty. Brazil, which I visited last year, is a separate case with its vast undeveloped resources and size; but Argentina, Uruguay, and Chile, which I visited this year, are essentially middle-class countries, all of which had a highly developed welfare state—which, incidentally is one of the problems which brought them to the brink of disaster.

By any standards, their governments were far to the left of ours, but this did not spare them from violent attacks from the Communist left.

Indeed, even today, terrorism is concentrated in Mexico, Venezuela, and Colombia, all of which are already on the far left side of the spectrum. The fond image that leftwing terrorism attacks only right-wing reactionary governments is a dangerous delusion that gives us a distorted picture of what is actually happening to our neighbors—and to us.

When I went to Latin America in July, I did not go at the expense of any government, either that of the United States or any other. I went at private expense. I arranged my program in Chile through the kind offices of U.S. citizens—including a close personal friend in North Carolina who is exceedingly knowledgeable about Latin America—and Chileans in the private sector, who want the United States to have an objective view of Chile.

I talked with Chileans in every walk of life, from workingmen and schoolteachers, to businessmen and bankers, and journalists in both electronic and print media—members of my own profession. I stress this because I want to make it clear that I was not taken on a Potemkin village tour set up by the present government. Nevertheless, I also talked with President Pinochet, General Gustavo Leigh, Justice Minister Miguel Schweitzer, and Foreign Minister Patricio Carvajal.

To describe these men as thugs and gangsters, as some Senators have been doing on the Senate floor, is to speak from ignorance and prejudice. I found them to be men of impressive ability, motivated by high religious and philosophical principles and concern for their people. Within their own country they are confronted with the problem of dealing with a highly armed and disciplined revolutionary movement, dedicated to the use of terror and violence to impose communism upon the Chilean people.

We are not talking, Mr. President, about some kind of theoretical Marxism or leftist socialism, but communism pure and simple, with its ruthless abolition of all personal human rights, its brutal suppression of religious freedom, and its total perversion of society.

Let one thing be clear, Mr. President, the military group which now rules Chile did not seize power and impose itself upon the Chilean people. The Chilean military has had a long history of not involving itself in political affairs. In this case, the people of Chile themselves had to force the military into acting.

Until the final days, the military was the docile servant of the Allende government, helping a morally degenerate Marxist maintain civil order. Allende was not the fundamental cause of Chile's collapse. He was merely the last in a long line of corrupt politicians who kept bidding for votes by offering more and more socialist schemes. After 40 years of watching politicians auction away their freedom, the Chileans grew more and more disgusted with their whole political system, and Allende was elected with a mere plurality in a three-man race, and with one of the lowest voter turnouts in Chilean history. The myth that Allende was somehow the popular hero of the people seems to die hard in our country. Indeed, some of my distinguished colleagues seem to be working overtime to keep this myth alive.

In the course of his rule, Allende destroyed the Chilean constitution. When the legislature would not approve the most radical of his schemes, he imposed them by decree. His actions were condemned by formal resolutions adopted by the legislature and by opinions of the Supreme Court. He financed his Marxist programs by printing money, when it became obvious that the highly developed tax system of Chile could only provide a fraction of the revenues he wanted. He seized private businesses without even a show of legal authority, and encouraged the takeover of agriculture by communes. He set up Marxist newspapers and publishing houses, took over radio stations, and curtailed the newsprint of courageous newspapers such as the oldest and most distinguished paper in Latin America, El Mercurio.

But when he attacked the family structure, the women of Chile rose up. The installation of an atheistic and Marxist system of public instruction, the organization of schoolchildren into Marxist cells, the organization of neighborhoods into the Communist "block committee" system of espionage, such as prevails today in Cuba—all this demonstrated clearly to the mothers and housewives of Chile that Allende's design was to seize the future by perverting their children. And it was the women of Chile—the women, Mr. President—who forced the military, after many, many months of reluctant hesitation, to stand up like men, and save the nation from collapse.

Now, all of this was the system that the late, unfortunate Orlando Letelier supported and defended, even its most extreme form in its concluding days. Along with other men of the Allende government who were imposing communism on the Chilean people, he shared the burden of resentment from those trying to restore liberty, order, and justice.

I never met Mr. Letelier. He has been described as a kindly and gentle person. He may even have thought that by serving Allende he would be able to ameliorate the excesses and moderate the direction. I do not know. Nevertheless, he subsequently allowed himself to become one of the critics of the new government, and a folk hero to the leftwing clique worldwide that is trying to undermine the Chilean revolution against Allende.

For what, in effect, amounted to a declaration of treason against Chile, the Chilean Government revoked his citizenship, thereby enhancing his prestige among the leftists of the world.

Here in the United States, Orlando Letelier was picked up by the Institute for Policy Studies to head its Transnational Institute project, which is seeking to implement in the United States and elsewhere, the same kind of controlled economy that Letelier preached at the Inter-American Bank, in Chile, and elsewhere. The far-left work of the institute seeks radical changes in our concepts of private property and economic freedom, concepts which are the very bulwark of liberty and which guarantee the human rights of the individual.

It is regrettable that Letelier abused the hospitality of the United States by participating in a project that seeks to undermine our social structure, to enhance the power of government, and to redistribute the rewards of society according to the whims of a planning elite. Such concepts are alien to our social and political heritage, and while it may appear innocuous to study them on an academic level, Allende demonstrated in Chile that it took the whole repressive apparatus of a totalitarian state with 16,000 goons imported from Cuba and elsewhere to force them upon the people. Fortunately, the military was roused from its lethargy on the eve Allende's planned coup against the remnants of a once free government and forestalled further experimentation along these lines.

Who, then, is responsible for Letelier's death? The Senator from North Carolina is the first to say that he does not know. Others apparently have been quick to decide, without any evidence whatsoever, that Letelier was killed by an assassination team sent from Chile. It is a simplistic and convenient conclusion to further ideological warfare. One must always grant such a possibility in dealing with human affairs. The Chilean Government has misjudged the international poiltical impact of a number of its decisions, and one can construct the hypothesis that at some level of government an assassination team was ordered sent to the United States. The United States is said to have done the same for reasons that were thought good and sufficient at the time. But just as it has never been proved that such actions were sanctioned by the top level of U.S. leadership, it would be difficult to prove that the top level of leadership in Santiago would be willing to engage in such activities. The men I met in Santiago were basically decent and humane, and I would find it hard to believe that they would sanction anything of the sort.

It is true that Letelier, as Minister of Interior, was head of the Allende secret police, which operated in the same fashion as Communist secret police everywhere. The motive of revenge runs deep in a human nature that is flawed in everyone. One could conceive of a scenario that, with the tables turned, the former victims now seek to use their present power in an undefensible manner.

Yet that same scenario would have to include a stupidity that exceeds the imagination. At a time when Chile is desperately trying to achieve the international recognition that has been denied to them by the Left, such a deed, coming upon the eve of the opening of the United Nations and the international meeting of the central bankers of the world in Manila, would be an act of national self-destruction.

Furthermore, that same scenario would also have to include a stupidity that exploded the bomb a few hundred feet from the official residence of the Chilean ambassador, the residence where Letelier lived when he served Allende. It was a strange twist of fate on Sheridan Circle that the man who had once occupied the Chilean residence as a socialist ended his life in front of the Embassy of the Socialist Republic of Romania on the other side of the circle—an irony enhanced by Letelier's close association with Socialist Romania both during and after the Allende regime.

These circumstances alone would suggest the wisdom of not prejudging the incident. But in addition there is another hypothesis which is far more plausible than the simplistic theories already presented in the press. And this is that Letelier was a victim of assassination from the Left. The Left had the most to gain from Letelier's death: A man who was already a leftist myth could be converted into a permanent, symbolic martyr—a rallying point for indignation, publicity, congressional resolutions, speeches, and the cutting off of financial credits and assistance to Chile.

As I have already pointed out, terrorism is most often an organized tool of the Left, used coldbloodedly for political aims. Leftist terrorists do not hesitate to use terrorism against the Left, since their dogma is that personal interests and affections should be subordinated to the cause. Violence is a way of life with leftist Latin American politics—the MIR of Chile, the Tupamaros of Uruguay, the ERP of Argentina. If "socialist morality" requires the sacrifice of their own people to the cause, they do not hesitate.

Indeed, it is significant that the Institute for Policy Studies itself has a long history of involvement with violent confrontation and dissent, and it is allied with revolutionary groups abroad. The August 23 issue of Barron's magazine, in a full-scale review of the Institute's activities, had this to say about the Transnational Institute which Letelier headed:

> Channels between the respectable and violent Left remain open. For example, Tariq Ali is a Fellow of the Institute's overseas branch, the Transnational Institute; he is also a member of the United Secretariat of the Trotskyite Fourth International, which maintains contacts with terrorist groups worldwide. (An Argentine affiliate, the ERP, has committed a number of kidnappings and assassinations; Argentine police allege that $100,000 from one ransom was given to Livio Maitan of the United Secretariat.) In an interview on the Canadian Television network, Ali kept an open mind about using violence: "I would say that this is largely a tactical question, depending precisely on the degree of opposition we encounter in our struggle for socialism."

The ERP, the MIR, and the Tupamaros operate through a mechanism called the Revolutionary Coordinating Junta, which, until recent weeks, was active in Buenos Aires. In the past few weeks, the Argentine Government has been successful in smashing the leadership group of these terrorists—a move which has been roundly condemned by those now condemning the murder of Letelier in political terms. Whether the RCJ has been eliminated or not remains to be seen, but it is reasonable to believe that those who have not been killed or captured have escaped to continue their terrorist acts against Chile, Argentina, and Uruguay from the safe haven of other countries. In their desperation to bring down the governments of the countries which have rejected socialism and communism, we may assume that they will commit any act. We may also assume that, since the United States is a major power center for the world, they will seek to affect the decisions made in the United States with terrorist acts.

The Senator from North Carolina has not gathered any evidence to support either one of these two hypotheses. The proper agencies of our Government will do that. He merely points out that the events are being prejudged on a very flimsy hypothesis, when there is another hypothesis available which is much more reasonable. But it suits the purposes of those who are trying to destroy the anti-Communist Fourth World to adopt the flimsy one and to use it for emotional propaganda.

Mr. President, since the entire article from Barron's about the Institute for Policy Studies is very enlightening, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR SOCIALIST ALTERNATIVES

(By David Kelley)

From an office in Washington, D.C., the Vietnam Moratorium of 1969 was organized by a 26-year-old New Leftist named Sam Brown, who spent the summer planning the demonstrations that erupted in Washington and other cities that fall. Today, Mr. Brown occupies a different office, and engages in another kind of planning: he is Treasurer of the State of Colorado.

What is a 'Sixties radical doing in a post like that? Why did he abandon political confrontation for the intricacies of finance? The answer lies in the altered character of the Left. Brown's transformation from activist to accountant illustrates a major change in direction which the Movement, in the past half decade, has undergone.

From cases like this, it is often supposed that the New Left is going respectable. There is a measure of truth to the view. Since the end of the Vietnam war, attention has largely shifted to issues of the domestic economy. And the new society which the left envisions is being sought, not through confrontation or revolution, but through piecemeal changes in institutions. They are working within the system, often at the state and local level—in pursuit, apparently, not of communism or socialism, but of "alternatives."

CHANGE IN STRATEGY

This change in strategy, however, tends to obscure an underlying continuity in purpose, which is still to bring about a socialist society, with community ownership and control of all resources. It also obscures the kind of power which the Left now can deploy, inside the system, to achieve its goal.

The Movement has no head, but it does have a center: the Institute for Policy Studies, a Washington, D.C., research organization. IPS serves as a source of funds, and a clearing-house of ideas, for a network of organizations across the country; it numbers many well-known academics among its friends and Fellows; it boasts frequent contact with the more liberal members of Congress. Paul Dickson, author of *Think Tanks*, called it "the Movement's Establishment." A staffer at a sister organization in Cambridge, Mass., describes it as a "Left public policy old-boy network."

The Institute was founded in 1963 by Marcus Raskin and Richard Barnet, who have been co-directors ever since. Its purpose, according to an early brochure, was "to carry on research on key problems of public policy and American civilization under conditions permitting close contact with the policy-making process."

SERVED ON GOVERNMENT STAFFS

Among the latter was the fact that many at the Institute—including Raskin, Barnet, Senior Fellow Arthur Waskow, and other Fellows—had served on Congressional and Executive staffs. Richard Kaufman, Associate Fellow of the Institute, simultaneously held down a job as staff economist for the Joint Economic Committee in Congress.

The Institute's activities covered a broad range. Raskin had served as aide to McGeorge Bundy on the staff of the National Security Council; Barnet had worked for the U.S. Arms Control & Disarmament Agency; correspondingly, a heavy emphasis at IPS was defense policy and national security.

Community economic development was, and remains, of particular concern to the Institute, as the centerpiece of what it calls decentralized socialism. Thus, in 1968–69, IPS Fellow Gar Alperovitz headed a task force "to devise new strategies of regional development based on the concept of the people of a region as a body corporate, able to own, develop, and hold industry on behalf of all the people." The Institute also worked with the Office of Economic Opportunity, then in its heyday, on community organizing.

ANTI-WAR DEMONSTRATIONS

Members also participated in the activism of the day. Waskow regularly took part in anti-war and other demonstrations; he helped plan the demonstrations at the Democratic National Convention in 1968. When the "Chicago 7" were indicted for conspiring to incite to riot, Institute members Raskin, Waskow, Alperovitz, Paul Goodman, and Christopher Jencks joined the Committee to Defend the Conspiracy. In November 1969, co-director Richard Barnet spoke in Hanoi condemning U.S. "aggression" in Vietnam.

Things are quieter today. True, channels between the respectable and the violent Left remain open. For example, Tariq Ali is a Fellow of the Institute's overseas branch, the Transnational Institute; he is also a member of the United Secretariat of the Trotskyite Fourth International, which maintains contacts with terrorist groups worldwide. (An Argentine affiliate, the ERP, has committed a number of kidnappings and assassinations; Argentine police allege that $100,000 from one ransom was given to Livio Maitan of the United Secretariat.) In an interview on the Canadian Television net work, Ali kept an open mind about using violence: "I would say that this is largely a tactical question, depending precisely on the degree of opposition we encounter in our struggle for socialism."

At home, co-director Raskin is a member of the Advisory Board of the Organizing Committee for the Fifth Estate, a radical group organized to counter the intelligence services; last fall, for example, its publication *Counterspy* published lists of CIA agents, one of whom was murdered shortly thereafter in Athens.

"USHERING IN A NEW SOCIETY"

Moreover, the goal, as Dickson described it, remains that of "ushering in the new society (and) doing what it can to hasten the demise of the present one." But the means, by and large, are peaceful.

As Raskin explained in an interview: "There are three basic modes that one would follow at this point in transformation (of society). One is the development of places like the Institute, "that would turn out ideas, planning, practices. . . ." Contrary to the pragmatists of other schools of thought, Raskin emphasies the power of ideas: "This country and modern nations run on ideas to a large extent." As a consequence, the Institute's theoretical products—made possible for grants from the Ford Foundation, the Stern Fund, DIB Foundation and others—are its most important tools for change.

Moreover, Raskin told us, the Left must put its ideas into practice in small-scale, local experiments. Finally, "on the political level, you have to develop a sense that there are groups within the organized political structure—Congress or the Executive—who are interested in such ideas. Otherwise no real political transformation can occur."

On the level of ideas, IPS and affiliated groups have turned out a profusion of books, studies and articles, as well as a 227-page draft prospectus for an Encyclopedia of Social Reconstruction, and a quarterly journal, Working Papers (published by the Center for the Study of Public Policy, an offshoot of IPS). From this material, together with interviews, one may draw the outlines of a political philosophy.

What makes the New Left new, as opposed to the old Left, is its pursuit of decentralization. In traditional Marxist theory, the process of production is viewed as collective, on the sole ground that cooperation is involved. Because the process is collective, goes the theory, society as a whole should own and control the means of production, and distribute the product equally. The old Left held that this should be done through the national government.

In practice, however, nationalization of a whole economy creates a massive bureaucracy. Besides crippling the economy, the bureaucracy frustrates the original goal of the Left: collective planning and decision-making. A bureaucracy, after all, is run from the top.

Instead of concluding that a full-scale economy could not be run collectively, and turning to the free market, the New Left concluded that collectivism would not work for a whole economy. It embraced smaller economic units in which such an approach might work.

Thus, in the past decade, radicals have campaigned against big business and big government alike, under the banner of "participatory democracy." The key word—participation—had a double meaning. For many on the Left, participation in the life of a group, in discussion and collective action, is an end in itself, an expression of what they see as the individual's dependence on the group.

APPLYING IT TO EDUCATION

In an IPS essay, Raskin dramatized this principle of dependence by applying it to education: " 'Cheating' should be encouraged in the Universities. We must clarify the obvious, that none of us learns alone, thinks and acts and creates without others participating . . . knowledge and learning is (sic) not a privatistic activity."

Participatory democracy is also seen as a means of reaching collective decisions about

the use of economic resources. As Raskin put it, the goal is to "use the productive wealth of the society for the people in the best possible way. And the way you define the best way is through dialogue and through modes of community participation and organization, on the ward level, on the village level, on the city level."

That doesn't happen in Russia. Nor can it happen in any unit the size of a nation. Hence, for the New Left, the goal is a radically decentralized economy, in which everyone can literally come together—and participate.

However decentralized, the economic units in New Left ideology are not the individuals of capitalist theory, but communities. Indeed, the purpose of decentralization is precisely to make socialism work. As Alperovitz himself put it in a 1972 essay, the goal is to maintain "both the socialist vision and the decentralist ideal."

LARGE-SCALE TECHNOLOGY

Another motive for decentralized socialism is the New Left's campaign against large-scale technology. The old Left, claiming that socialism is better suited than capitalism to such technology, boasted that socialist states would soon outpace their capitalist competitors in the growth of heavy industry. The Soviet Union starved its people for decades trying to prove the point.

But all this has changed for the New Leftist, who are pushing what Ayn Rand has described as the "anti-Industrial Revolution." The sins of technology, as they see it, are many. Most widely publicized is the claim that technology spawns massive pollution and wastes scarce natural resources, evils which they insist cannot be cured by technology itself. Behind these charges is another, more basic: that advanced technology is too complex, for everyone to understand and make decisions about; it requires specialization. There is a feeling in the literature that people can't cope with the present scale of things, even a trace of paranoia that corporations deliberately "mystify" their technological operations to keep the populace in awe. Whatever the reasons, the result is the same. Decentralization is seen as the only way to guarantee simpler technology and keep out large-scale industry.

So much for the abstract vision; the chief work of the Institute has been to spell it out in more detail, so that concrete steps can be taken toward realization. Most importantly, the Institute has sought ways to strengthen local community government, and to expand its powers over local economic activity.

Under the aegis of the Office of Economic Opportunity, the federal poverty program in the "Sixties spawned the concept of community development corporations (CDC's). These are private, non-profit organizations, often led by radicals; they are designed to provide economic services to members of a community, and in theory are open to all who wish to join. CDC's have received millions in aid from OEO and the Model Cities program.

IPS Fellow Milton Kotler suggested in his *Neighborhood Government* (1969), that such corporations could expand their powers to the point at which they function as governments. In particular, he recommended that they be given the power to tax; to regulate business within the boundaries of the neighborhood they serve; and to acquire property by eminent domain. In this way, miniature socialist states could grow within the existing political structure.

Hand-in-hand with this political aim, the Institute also is trying to find "alternative," small-scale technologies to replace today's complex industries. IPS Associate Fellow Karl Hess, for example, has come up with a number of ideas, from plastic-bodied electric cars to urban trout farms.

The *Encyclopedia* prospectus contains an extreme, but revealing, sketch of a local energy system. "We look forward to the time when communities within a region will produce energy for the people at little or no cost. . . . The energy will be produced and disseminated through small-scale technology. . . . The people in each community will understand everything about their energy system. . . . We simply would have got rid of most of the extra high-voltage wires strung around the country; closed up the coal mines, oil and gas fields; taken down oil refineries and much of the petrochemical establishment."

MITIGATE THESE INFLUENCES

For the moment, however, self-sufficiency of this sort is seen as impossible; local economies are too much influenced by wider forces in the national and world economies. The task of finding national policies to mitigate these influences has been taken up especially by Alperovitz.

After leaving IPS in 1969 to found a sister organization, the Cambridge Institute, Alperovitz returned to Washington three years ago to form the Exploratory Project for Economic Alternatives, of which he and Jeff Faux, a former OEO official, are co-directors. EPEA is funded by a consortium of foundations—the John Hay Whitney and the Stern Fund are major sources, with the Rockefeller Foundation and a group of smaller radical foundations also contributing—and its purpose is a long report on economic trends in the next 25 years.

According to Alperovitz, these trends will radically alter the economy, and they call for national planning to deal with them. Unlike liberal planners, however, he wants the national plan to arise organically from local community plans, based on community perceptions of their own priorities.

In a background paper for a National Democratic Issues Conference last November, Faux and Alperovitz recommended, among other things, federal allocation of credit; worker and community representation on corporate boards; and the use of public job programs, such as those in the Humphrey-Hawkins bill now before Congress, which not only would give everyone a right to a job, but also would allow the federal government to create employment in communities that are losing it.

Of these approaches, the most important for the long run is public allocation of capital, which has become a key objective of the New Left. The focus is understandable. Despite a myriad of government regulations, the driving forces of the economy are still private decisions on the investment of privately owned capital. As a result, the system basically remains one of production for profit and employment by voluntary contract—two features opposed by the Left, which favors production by and for the group.

Conversely, the most effective way to eliminate private enterprise without open force is to starve it of capital. Toward this end, the Left has conceived and launched a variety of measures at the state and local, as well as the national, levels to increase government control of capital.

CHIEF OBSTACLE

The chief obstacle to decentralized socialism, in all these areas, is the large corporation; much of the literature is a catalog of its alleged evils. The basic complaint is that the corporation is run by private individuals, with private purposes, though its effects are society-wide.

In a paper described as a "management briefing" for the American Management Associations, IPS co-director Barnet claimed that "having amassed such power that whole communities are dependent upon it, the global corporation is not just another piece of private property. It is a social institution and should be treated as one."

At the heart of the claim is the belief, often stated, that corporations wield enormous economic power, with coercive effects on workers and consumers. Evidence for the belief is harder to come by. Against the corporations' defense that they are governed ultimately by consumer choices in the market, for example, Barnet cites only "a growing feeling among Americans that goods are becoming shoddier . . . and that there is very little that the consumer can do about it."

Another charge against the corporation, emphasized by Alperovitz, is that it is based inherently on growth—it "must operate to push sales and consumption and resource use as its inherent dynamic"—in a world he feels is running out of resources.

MUST BE CURTAILED

A final shortcoming of the large corporation is its control of capital, inasmuch as the bulk of investment capital exists in the form of retained corporate earnings. Such private control, says Leonard Rodberg in an essay for an IPS study requested by a group of House Democrats, is incompatible with the health of society, and must be curtailed. "One can imagine many different ways of asserting public control over the uses of private capital, ranging from regulations . . . to taxation . . . to outright nationalization."

As another step against the corporation, Barnet recommends (in his book *Global Reach*) mandatory disclosure, not only to the federal government but also to any local government where plants are located. "The books of global corporations—that is to say *all* sets—ought to be public documents." And the Institute seconds the motions popularized by Ralph Nader, such as public and worker representation on corporate boards, and federal chartering of larger companies (Barron's, May 24).

Other alternatives are less direct. "Another approach to controlling corporate power—complementary to Nader's legal strategy," writes Derek Shearer in *Working Papers*, is to set up countervailing public economic power in the form of competitive public enterprise." Such enterprises, favored by the Left for their own sake, also serve to shrink the capital available to private firms; and they can use legal privileges, such as tax exemption, to put competitive pressures on the private sector.

AN INSTITUTE OF PREVENTIVE HEALTH CARE

Mr. McGOVERN. Mr. President, earlier this year, the Select Committee on Nutrition and Human Needs held hearings which focused on the role of diet in preventive health care, and the degree to which diet affects the incidence of the killer diseases. These hearings signaled the beginning of a new and major effort by the committee to make preventive health care an integral part of our health policy and nutrition programs.

The testimony provided a sound base, and valuable insight and direction for future hearings and potential legislation. A thorough summary of those hearings has already been entered into the CONGRESSIONAL RECORD of September 1, 1976, page S15141, nevertheless, I feel that it is important to underscore a few primary facts.

Six of the ten leading causes of death in the United States have been connected to the diet: Heart disease, cancer, stroke and hypertension, diabetes, arteriosclerosis, and cirrhosis of the liver. One-third of the U.S. population is overweight to a degree which has been shown to diminish life expectancy; obesity is a risk factor in many diseases such as heart disease, hypertension, diabetes, and arthritis. Substantial preliminary

evidence indicates that nutritional imbalances in the diet contribute to at least 30 percent of the cancer cases in men, and 50 percent in women. It must be emphasized that contribution does not mean causation. Nonetheless, I believe these statistics are significant.

Finally, recent studies undertaken at UCLA suggest that seven health-related behavior patterns could have more impact on our health than all the medical care that we have received or the developments in medical care since the turn of the century. Of these seven, four are related to nutrition: First, limiting alcohol consumption to one or two drinks a day; second, eating three meals a day without eating between meals; third, eating breakfast; and fourth, keeping our weight within a normal range. The other three behaviors are: regular physical exercise, 7 or 8 hours of sleep a night and not smoking cigarettes. A 45-year-old male who follows these seven behaviors could expect to live on the average until age 78, whereas if he followed three or fewer of these health habits he could expect to live on the average until age 67.

During the recent hearings Senator KENNEDY asked that "A New Perspective on the Health of Canadians: A Working Document," be added as an appendix. I am pleased that he did. This paper, issued by the Government of Canada in 1974, examines the Canadian health care system which is one of the best in the world, and finds that the traditional view of equating the level of health in Canada with the availability of physicians and hospitals is inadequate.

Future improvements in the level of health of Canadians lie mainly in improving the environment, moderating self-imposed risks, and adding to our knowledge of human biology. Mortality and morbidity data, the leading causes of death and the overall health profile of the Canadian population is comparable to that of the U.S. population.

Not surprisingly, the HEW "Forward Plan for Health, 1978–82," begins its chapter on prevention in a very similar manner:

In recent years it has become apparent that the best hope of achieving any significant extension of life expectancy lies in the area of disease prevention. As last year's prevention theme pointed out, in the absence of a major scientific breakthrough (e.g., a cancer cure), further expansion of the Nation health system is likely to produce only marginal increases in the overall health status of the American people. Obviously, we must continue efforts to correct the inequities and the maldistribution of services in the current system, but, in the long run, the greatest benefits are likely to accrue from efforts to improve the health habits of all Americans and the environment in which they live and work.

The introduction goes on to state that a characteristic of such conditions as coronary heart disease, cancer, and violent death is that they are often correlated with factors in the environment or lifestyles of individuals that are not susceptible to direct medical solution. In last year's "Forward Plan for Health," the prevention theme urged broad discussion of the relative feasibility, costs and efficiency of the prevention options. This year's prevention theme continues the approach introduced last year, but stresses four areas of major importance: Health Education; Nutrition; Child Health; and the Environment. The "Forward Plan for Health" states that these proposals are not limited to initiatives of the Public Health Service alone or of the Federal Government, rather they apply to all segments of society, including the individual.

Hand in hand with the realization that continued over-emphasis on disease oriented, curative medicine will not significantly improve the quality of life and health of the American people, we cannot continue to pour greater and greater proportions of the U.S. GNP into health care. Over the last decade total health care spending has increased at an average annual rate of almost 12 percent, rising from $42.1 billion in fiscal year 1966 to $118.5 billion in fiscal year 1975. HEW in its "Forward Plan" estimates that health care spending will approximate $135 billion in fiscal year 1976 and could exceed $230 billion by 1980. In 1966 per capita spending was $200, by 1975 it reached $550, and it could exceed $1,000 by 1980. As a proportions of the GNP it has risen from 5.9 percent in 1966 to 8.3 percent in 1975, and could reach 10 percent by 1980. Even if inflation is allowed for, these increases in the cost of health care are far too great given the projected marginal increases in the Nation's health if we continue the present emphasis on crisis-oriented, curative health systems. At present we are spending only 5 to 10 percent of the health care dollar on preventive health programs.

Testimony at the July 27 and 28 hearings cited a Department of Agriculture study which estimated that with an adequate diet we could reduce by 25 percent the number of heart disease sufferers, and in turn save $30 billion. If everyone had proper nutritional habits we could reduce the yearly cost of medical care by up to 20 percent, according to Dr. Phil Lee, director, health policy program, School of Medicine, University of California, San Francisco.

The following USDA chart specifically delineates the magnitude of benefits or potential savings from an improved diet.

MAGNITUDE OF BENEFITS FROM NUTRITION RESEARCH*

Health problem	Magnitude of loss	Potential savings from improved diet
PART A. NUTRITION RELATED HEALTH PROBLEMS		
Heart and vasculatory	Over 1,000,000 deaths in 1967	
	Over 5 million people with definite or suspect heart disease in 1960–62	25-percent reduction.
	$31.6 billion in 1962	20-percent reduction.
Respiratory and infectious	82,000 deaths per year	
	246 million incidents in 1967	20 percent fewer incidents.
	141 million work-days lost in 1965–66	15–20 percent fewer days lost.
	166 million school days lost	Do.
	$5 million in medical and hospital costs	$1 million.
	$1 billion in cold remedies and tissues	$20 million.
Mental health	2.5 percent of population of 5.2 million people are severely or totally disabled. 25 million people have manifest disability.	10 percent fewer disabilities.
Infant mortality and reproduction	Infant deaths in 1967—79,000	50 percent fewer deaths.
	Infant death rate 22.4 per 1,000	Do.
	Fetal death rate 15.6 per 1,000	Do.
	Maternal death rate 28.0 per 100,000 live births	Do.
	Child death rate (1–4 yrs.) 96.1 per 100,000 in 1964	Reduce rate to 10 per 100,000.
	15 million with congenital birth defects	3 million fewer children with birth defects.
Early aging and lifespan	49.1 percent of population, about 102 million people have one or more chronic impairments.	10 million people without impairments
	People surviving to age 65: Percent	
	White males 66	1 percent improvement per year to 90 percent surviving.
	Negro males 50	
	White females 81	
	Negro females 64	
	Life expectancy in years:	
	White males 67.8	Bring Negro expectancy up to White.
	Negro males 61.1	
	White females 75.1	
	Negro females 68.2	
Arthritis	16 million people afflicted	8 million people without afflictions.
	27 million work days lost	13.5 million work days.
	500,000 people unemployed	125,000 people employed.
	Annual cost $3.6 billion	$900 million per year.
Dental health	44 million with gingivitis; 23 million with advanced periodontal disease; $6.5 billion public and private expenditures on dentists' services in 1967; 22 million endentulous persons (1 in 8) in 1957; ¼ of all people over 55 have no teeth.	50 percent reduction in incidence, severity and expenditures.

Footnote at end of table.

MAGNITUDE OF BENEFITS FROM NUTRITION RESEARCH*—Continued

Health problem	Magnitude of loss	Potential savings from improved diet
Diabetes and carbohydrate disorders	3.9 million overt diabetic; 35,000 deaths in 1967; 79 percent of people over 55 with impaired glucose tolerance.	50 percent of cases avoided or improved.
Osteoporosis	4 million severe cases, 25 percent of women over 40	75 percent reduction.
Obesity	3 million adolescents; 30 to 40 percent of adults; 60 to 70 percent over 40 years	80 percent reduction in incidence.
Anemia and other nutrient deficiencies	See improved work efficiency, growth and development, and learning ability	
Alcoholism	5 million alcoholics; ⅓ are addicted	33 percent.
	About 24,500 deaths in 1967 caused by alcohol	Do.
	Annual loss over $2 billion from absenteeism, lowered production and accident	Do.
Eyesight	48.1 percent, or 86 million people over 3 years wore corrective lenses in 1966; 81,000 become blind every year; $103 million in welfare.	20 percent fewer people blind or with corrective lens.
Cosmetic	10 percent of women ages 9 or more with vitamin intakes below recommended daily allowances.	
Allergies	32 million people (9 percent) are allergic	20 percent people relieved.
	16 million with hayfever asthma	
	7–15 million people (3–6 percent) allergic to milk	90 percent people relieved.
	Over 693 thousand persons (1 in 3,000) allergic to gluten	Do.
Digestive	8,495 thousand work-days lost; 5,013 thousand school-days lost; About 20 million incidents of acute condition annually.	25 percent fewer acute conditions.
	$4.2 billion annual cost; 14 million persons with duodenal ulcers; $5 million annual cost; 4,000 new cases each day.	Over $1 billion in costs.
Kidney and urinary	55,000 deaths from renal failure; 200 000 with kidney stones	20 percent reduction in deaths and acute conditions.
Muscular disorders	200,000 cases	10 percent reduction in cases.
Cancer	600,000 persons developed cancer in 1968; 320,000 persons died of cancer in 1968	20 percent reduction in incidence and deaths.
PART B. INDIVIDUAL SATISFACTIONS INCREASED		
Improved work efficiency		5 percent increase in on the job productivity.
Improved growth and development	113,000 deaths from accident. 324.5 million work-days lost; 51.8 million people needing medical attention and/or restricted activity.	25 percent few deaths and work-days lost.
Improved learning ability	Over 6.5 million mentally retarded persons with I.Q. below 70; 12 percent of school age children need special education.	Raise I.Q. by 10 points for persons with I.Q. 70–80.
PART C. INCREASED EFFICIENCY IN FOOD SERVICES		
Improved efficiency in food preparation and menu planning.		Not estimated.
Reduced losses of nutrients in food storage, handling, and preparation.		Do.
Improved efficiency in food selection		Do.
Improved efficiency in food programs		Do.

* "Benefits from Human Nutrition Research," C. Edith Weir, Human Nutrition Research Division, Agricultural Research Service, U.S. Department of Agriculture. Issued August 1971 by Science and Education Staff, U.S. Department of Agriculture, Washington, D.C.

During the July hearings we found a consensus among the physicians as to the importance of a proper diet to the health of the American people, and its crucial role in any overall preventive health care program. I am in total agreement with Dr. Cooper, the assistant Secretary for Health, who stated that besides general self-care and self-responsibility, nutrition was most important in preventive health care.

Both Dr. Cooper in his testimony and this year's "Forward Plan for Health" mentioned the recent enactment of Public Law 94–317, which provides a new organizational focus for the overall coordination of Federal prevention policies. Public Law 94–317 directs the Secretary of DHEW to create an office within the Office of the Assistant Secretary for Health to coordinate all Department activities relating to health information, health promotion, preventive health services, and education in the appropriate use of health care.

I applaud this first step in legitimizing preventive health care, and yet I am concerned because of a statement made on the same page of the "Forward Plan for Health":

> The government's function is to enable people to make sound decisions about their health, to equip them with the information and skills and other resources to translate these decisions into action, and to aid in the removal of legal, economic, physical or other barriers that might prevent them from acting accordingly. Therefore, where this theme suggests options for action which depend on changes in people's behavior, it should be understood that as far as government actions are concerned the proposals are intended solely to provide opportunities and incentives for people to assume full responsibility for their own health.

I am concerned about this statement because it purports to be fully behind preventive health care without making the necessary Government commitment which has been lacking for so long in the field of preventive health. The Canadian Health Report cited earlier found:

> There is the paradox of everyone agreeing to the importance of research and prevention yet continuing to increase disproportionately the amount of money spent on treating existing illness. Public demand for treatment services assures these services of financial resources. No such public demand exists for research and preventive measures. As a consequence, resources allocated for research, teaching, and prevention are generally insufficient.

In light of the testimony at the committee hearings, the escalating costs of health care without commensurate returns in the Nation's overall health and the danger of insufficient commitment to preventive health, it is logical and imperative for the Federal Government to begin to place more solid and specific emphasis on the area of prevention.

I do not believe that it is necessary for us to prove, as some would suggest, exactly how much the incidence of the killer diseases could be reduced by preventive measures before the Federal Government responds.

I believe that we are at the point where reasonable people can, and should, make the public policy decisions that are suggested by the evidence outlined.

To focus thinking on this matter, I have asked the staff of the Nutrition Committee to examine the feasibility of establishing an Institute of Prevention within the National Institutes of Health. Many of the Institutes within NIH do have a division or some allocation of funds for prevention. However, these efforts are highly specific and linked to a particular illness like cancer or heart disease. As we have found with nutrition, because prevention is supposed to be everyone's concern, it comes up short changed and generally is no one's concern.

At present there is no one institute aimed at decreasing the risk factors of the major killer diseases for the society as a whole. I do not see an Institute of Prevention as a replacement for the ongoing prevention research programs of the existing institutes and other agencies, but rather as a means to centralize the effort of promoting health maintenance as opposed to disease-oriented, curative medicine.

Nutrition research and surveillance and the development of dietary goals for the Nation would be a high priority of the Institute of Prevention. Similar nutrition efforts have already been initiated in Canada and Sweden. In addition, I see the Institute examining the behavioral sociological, and environmental causes of disease. Obesity, which is now a major malnutrition problem that greatly increases the risk of heart attack and diabetes, is just one example of a health risk factor that would merit thorough examination at the Institute. If we are to effectively change our consumption pattern and the average American diet—a diet whose average daily caloric requirement has decreased as much as 100 calories per year in the last decade—we must ascertain why Americans eat as they do. I would imagine that the amount of leisure time, food advertising, anxieties, and memories of the depression, contribute as much to overconsumption by Americans as their ignorance of the medical consequences.

To me it is only a matter of commonsense and economics that within NIH there should be one Institute aimed exclusively at maintaining health and preventing illness before it strikes. We are

all familiar enough with the workings of the Federal Government to know that unless there is a specific congressional mandate and an institutional focus, there will be little, if any, results. The recently signed Health Manpower Act and the increased appropriations for specific prevention programs are steps in the right direction. But in order to provide the emphasis that I believe is needed, there must be one governmental unit charged with exclusive responsibility to develop programs, to provide a surveillance and monitoring capacity and to coordinate the national effort to raise preventive health care to a par with our existing curative medical health care system.

Thus, it is only appropriate that we make at least a modest investment in the relatively underdeveloped field of prevention before we are overtaken by our mounting health care expenditures of which at least 90 percent are the result of curative health care measures. I see an Institute of Prevention as an inexpensive measure, and yet capable of a very high return on the investment.

I have decided, Mr. President, to present this idea to our colleagues before adjournment so that they may ponder the idea during the recess. I also expect to receive comments from experts in the health care field.

The Nutrition Committee will continue its investigation into the relationship between diet and disease and the entire question of preventive health services in the 95th Congress with an eye to appropriate legislative responses, including an Institute of Prevention.

AMBASSADOR ANNE ARMSTRONG

Mr. PERCY. Mr. President, last Sunday's Washington Star contained a profile of Anne Armstrong, who has been serving very successfully as our Ambassador to the Court of St. James. In the article Mrs. Armstrong comments on her experiences as ambassador and discusses the impact of her assignment on the lives of her husband Tobin and her children.

The first woman U.S. Ambassador to the United Kingdom has earned a reputation as an intelligent and effective representative of the American people, without abandoning her usual gracious manner. She says:

My way is to sidle up to a hurdle and nudge it over quietly rather than to kick it over.

Mr. President, we are, indeed, fortunate to have Anne and Tobin Armstrong representing the United States in Great Britain. I ask unanimous consent that Joy Billington's article from the Washington Star of September 12 be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

1976: A VERY GOOD YEAR FOR ANNE AMSTRONG

(By Joy Billington)

LONDON.—Scene one, March 17: Anne Armstrong, in a long ivory silk dress with a matching coat over her shoulders and a bunch of Texas' yellow roses in her gloved hand, walks down the steps of the U.S. Embassy on the arm of an elderly courtier in a plumed hat, medals and sword.

She is handed into the late Queen Alexandra's "glass coach." The liveried postilions leap up to their seats. The coachman flicks his whip. The matched bays trot off, and the staffers standing under the giant gold eagle of the U.S. Embassy in Grosvenor Square break into applause.

The first woman ambassador to the Court of St. Jameses' is on her way to present her credentials to Queen Elizabeth II. Behind her coach two horsedrawn landaus carry Armstrong's senior staff. At the rear, a horseless carriage carries Texas rancher Tobin Armstrong, in his top hat and tailcoat.

At Buckingham Palace, the new ambassador puts into action what she's been practicing for weeks back on the ranch: the four curtsies. The court ritual begins at the door of the salon where the queen stands waiting. The first curtsy is followed by another that goes with the handshake, a third at the end of the audience and a fourth at the door, on departure. Usually it is an ambassador's wife who is curtsying. This time Tobin Armstrong comes in after a while, and makes four bows.

"She does her homework and obviously she had taken the trouble to read my biography and knew what I was interested in," Ambassador Armstrong said afterwards. "I call that a good monarch. She was also completely serious with me. There was no small female chitchat and no talk of family until my husband was invited into the room.

"She treated me exactly as she would a male ambassador. I was delighted to hear later that she spent more time with me than she had with any ambassador in recent time."

Scene two, July 8: Anne Armstrong stands at the lectern of the Washington Cathedral, her dark hair framed by a white halo hat. In front of her sit the Queen of England and President Ford, who appointed her ambassador to Great Britain. Down the nave stretch 4,000 faces, most of whom have waited hours to see the queen.

Ambassador Armstrong begins to read the First Lesson:

"After this I looked and saw a vast throng, which no one could count, from every nation, of all tribes, peoples, and languages, standing in front of the throne and before the Lamb. They were robed in white and had palms in their hands, and they shouted together:

"Victory to our God who sits on the throne, and to the Lamb!", Armstrong read the verses from Revelation, her Vassar articulation flawless, her strong voice carrying to the farthest recesses of the gothic nave.

"I couldn't have done it better myself," an Episcopal clergyman murmured as she finished.

Scene three, Aug. 19: Ambassador Armstrong is changing clothes in the Lord Provost's chambers in Aberdeen. Her day's engagements in the Scottish fishing port are over and there's no time to return to the hotel before a reception and Bicentennial concert. As she slips into a royal blue chiffon evening gown, a telephone is ringing down at the switchboard of the building. But the operators have gone off duty and President Ford can't reach her. By the time she hears that Kansas City is calling, the call has gone off the line. And it is midnight before the President catches her.

She knows by then that Sen. Robert Dole has been chosen as his running mate, and her feelings are mixed: relief and sadness.

"I'd expressed reservations, since it would have been a difficult thing for me because of my family. But if he'd called and said he wanted me to run with him, I would have said yes," she told The Star afterward.

Just a week or two earlier she'd guessed her chances as "about a million to one." Yet that week, for the third time in her life, her name was on a short list. The first time had been when Spiro Agnew resigned; the second time when Ford was looking at names for his vice president.

"I guess I was closer this time than I'd ever been," she says now. "I was considered right up to the end."

All in all, 1976 will have been an exciting year for Anne Armstrong—from the Christmas call when President Ford asked her to replace Elliot Richardson in London up to the point next January when she and other ambassadors must send their resignation letters to the White House.

In London, the 49-year-old Republican from Texas, the New Orleans-raised daughter of a wealthy coffee importer called Armant Legendre, has enjoyed a good press ranging from the serious to the frivolous.

Because she's a crack shot, she became an "Annie Oakley." The New Orleans-Foxcroft-Vassar image was less appealing than the picture of her riding those 50,000 acres on the Rio Grande. Tobin Armstrong, the 6-foot-4 rancher who'd left behind his 3,000 Santa Gertrudis became "the Gary Cooper of Grosvenor Square," the "Marlboro Man," a "Zane Grey original."

And even if Tobin wears Saville Row suits and Anne floaty dresses with trailing scarves, well, they were playing games and everyone knew they were really happier in stetsons and boots.

In terms of serious ambassadorial work she has made official visits to Wales, to NATO headquarters in Belgium, to Scotland and to violent Belfast—where she announced new U.S. efforts to curtail the illegal export of guns and explosives (said to be 85 percent American) pouring in from sympathizers of the IRA.

She met the Royals, the politicians, some miners and some factory workers. And hit the Embassy like a whirlwind, demanding briefs on everyone she was likely to run into at any function.

She encountered polite criticism that her single previous visit to England (as a graduation present from her father) seemed a sparse qualification for the job, to which she pointed out that she is a quick study.

And rode out a flurry of controversy when Tobin Armstrong took on an expenses-only assignment for Agriculture Secretary Earl Butz to promote the sale of U.S. feed grains in Europe, since the subject of food importation is an explosive one within the Common Market. Subsequently, Armstrong—who served in England during World War II as a fighter pilot on a U.S. air base—has spent more time helping his wife in her work than in pursuing the assignment. He will shortly make an East European trip to promote U.S. soybeans.

The Armstrongs have raised five children on their ranch next to the famed King Ranch, which was where they met when Anne attended a party there during her days as a junior reporter for the New Orleans Times-Picayune.

After raising her children, Armstrong started in her political career at the grass roots, winding up at the 1972 Republican National Convention as the first woman co-chairman. Next she came to Washington as a White House counselor in the Nixon administration. She defended Nixon to the end. "I sounded like the social director on the Titanic," she said later. She survived Watergate without taint, worked for Ford briefly, but headed home to Tobin in 1974. When Ford offered her the London post, her decision very much depended on Tobin Armstrong's willingness to accompany her.

Their eldest son, Barclay, 24, is now running the ranch. And Anne is pleased to note that Tobin hasn't been going back every month as they anticipated when she took the job. "He's enjoying it here. He's only been home once in three months," she says.

"There has been a certain reversal of our roles. He has been arranging for two of our boys to go to the university here, keeping

up with our families at home, and of course helping me by meeting people and showing them around and by taking an interest in British agriculture.

"Tobin is very adaptable and self-confident. He's a bit 'stiff-upper-lip,' as the British would say. When he finds things difficult he doesn't talk about it."

At Winfield House, the Regents Park residence, former Ambassador Walter Annenberg's famous $1 million "refurbishment" dominates the big square red brick mansion. The great apple green salon is decorated with 19th-century Regency Chinoiserie wallpaper, Chinese Chippendale antiques, specially woven Portuguese carpets . . . all very palatial and quite the reverse of the elegant shabbiness that characterized it during the days of David and Evangeline Bruce.

The Armstrongs—who prefer to call themselves wealthy rather than rich and deny that they are "millionaires" a la Annenberg—have said they hope to manage on her salary and representational allowance of some $60,000 a year, as the Richardsons did, rather than on the $200,000 that Annenberg spent or the $110,000 he thought one could get by on. The Armstrongs brought some of their own western paintings with them, including some Remingtons. But they don't quite fit in the French Empire entrance hall, or the major salons. The Armstrongs' "family" sitting room upstairs seems more like their lifestyle: chintz, checkers, western art, photographs of the family, a bottle of clear nail varnish.

As the first woman ambassador to Great Britain, Armstrong has been careful not to create negative reactions through her clothes. "If I wore pantsuits that might distract attention from what I'm saying by perhaps causing the men to think 'ugh . . . that woman's wearing trousers'. This is a more formal city than Houston, Tex., and it is more important for my ideas to be taken seriously."

She did, however, refuse to enter a men's club by a side entrance traditionally used by women guests. It was a meeting of the Vassar Club and the other women had not rebelled, having used the club for years for their meetings. "It did bother me, however. Now they've let me in the front door perhaps they'll change their policy.

"But basically, my way is to siddle up to a hurdle and nudge it over quietly rather than to kick it over."

OF GUNS AND DEATH

Mr. PELL. Mr. President, a recent editorial in the Newport Daily News received an award from the New England Associated Press News Executives Association for newspapers of its size. This editorial, I believe, goes to the heart of the gun control issue: why a reduction in the availability of handguns is to everyone's advantage—including sportsmen, collectors, and hunters.

My own position on gun control has been consistent over the years. I believe it is possible to provide for registration of handguns, and licensing of their owners, just as we now provide for registration of automobiles and licensing of drivers. I believe that such a system would do much to protect the public from illegal and indiscriminate uses of firearms without inhibiting the honest endeavors of sportsmen, hunters, and collectors that involve guns. While my views may not go as far as those of the writer of the editorial, I believe very strongly that gun control should be of concern to everyone. Of particular importance is the lessening of the risk involved when handguns are easily available. Too often family quarrels become manslaughter cases just because a moment's passion and the accessibility of a gun lead to an irrevocable and regrettable act. Such occurrences are sad, but they are avoidable if we can limit the handgun's availability. I hope that my colleagues will learn from the wisdom in this editorial and consider with greater favor gun control legislation in the next Congress.

I ask unanimous consent that the Newport Daily News editorial, entitled "Of Guns and Death," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Newport (R.I.) Daily News, Sept. 10, 1976]

OF GUNS AND DEATHS

(The Daily News has won second place for its editorial 'Of Guns and Deaths' in the N.E. Associated Press News Executives Association contest for the best written editorial in a newspaper under 40,000 circulation during 1975. The editorial, originally published Dec. 6, 1975, was written by Elliott K. Stein.)

As if there aren't reasons enough for condemning America's handgun culture, yet another suggests itself: The understandable nervousness of policemen when confronting anyone in what otherwise could be a routine situation.

A Florida man on the way to his father's funeral became a victim himself of this aspect of the gun culture when he pulled over to compose himself while driving to the airport. A state highway patrolman stopped to investigate the car, and after requesting a license-tag check over his radio, was told the car was stolen.

Fine so far. This could have been corrected later if nervousness hadn't entered in. But when the driver made a move as though he might be resisting arrest and reaching for a weapon, the trooper drew his gun and fired it, killing the motorist. As it turned out, the car wasn't stolen and the victim was unarmed.

Another senseless death occurred in Hattiesburg, Miss., where parents left a three-year-old child and a two-year-old child alone in their car with a pistol. The three-year-old pulled the trigger, killing his younger brother.

What is so aggravating about this entire business is that reason goes out the window whenever such mindless incidents involving guns are reported and commented on. One would think that legitimate hunters would appreciate efforts being made to keep weapons out of the wrong hands. But if the past pattern holds, this editorial is likely to bring out all sorts of comments ranging from a misinterpretation of the second article of the Bill of Rights to the old nonsense about "people kill people, guns don't."

At the risk of boring those who have heard it before, we would like to repeat the obvious answer to both these arguments:

1. The full Article II of the Bill of Rights reads: "A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed." The courts have time and again ruled that the right noted in this amendment refers to bearing arms within a militia, not to individual bearing of arms.

2. Guns do indeed kill people. A woman angry at her husband might throw a plate at him, doing little or no damage. But if a gun were at hand, she might kill him, and feel sorry afterward. Lest anyone think we have hypothesized a chauvinist incident, a man with a gun could just as easily kill his wife. And the facts remain that most slayings are committed by relatives and acquaintances—not by mobsters and other criminal types.

The fact remains that accessibility to weapons has made this country one of the most dangerous on earth to live in.

The fact remains that police themselves, expert in this area of weapons, are almost universally against casual possession of guns by the general public. Having been victimized by such general possession of weapons, police understandably are ultra-nervous about people they approach, in what should be routine circumstances.

And that is one very real reason why a man on his way to his father's funeral is dead today, and a little child will never see his third birthday.

TELECOMMUNICATIONS

Mr. GOLDWATER. Mr. President, it is with great interest that I read Senator HRUSKA's remarks on page S15561 of the CONGRESSIONAL RECORD of September 10, 1976, about residential consumers and the need to assure their access to telecommunications. I share the same concerns as the senior Senator from Nebraska.

These issues are not new. They date back to the early days of the industry's development. Access to telecommunications at reasonable rates is one of the key policies of the 1934 Communications Act and has dictated the regulatory structure and pricing policies in the industry for nearly half a century.

Congress and the regulatory agencies have a continuing responsibility to see that regulation does not stray from its initial purpose of balancing the changes in technology, competition, and underlying national policy. Regulatory policies must be reassessed from time to time to assure continuing development of technology, but such development must not impede the national policy of making service "available to all." In like manner, we must not in the name of "competition" allow regulatory policies to encourage duplicative or wasteful services.

The expansion of competition in certain areas such as terminal equipment and intercity markets, inevitably poses problems created by divided responsibility. Much of the success of telecommunication service is the result of a unified and cohesive system. We must take care not to undermine in a misguided sense of competition the fundamental concepts responsible for the unparalleled development of telecommunications in this country. It would, indeed, be unfortunate to follow a course which leads to a loss of coordination, wasteful duplication of facilities, and to a restructuring of rates causing higher costs.

Abandoning the nationwide and statewide system of rate averaging could cause great hardship on the residential consumer, who has come to depend upon phone service as a utility essentially the same as electricity and water. This matter has an impact on all States, but would particularly affect smaller States, such as mine.

My State has a population of less than 2 million people. In many sparsely populated areas the citizens of Arizona regard the telephone as their most vital means of communication.

Today, there are 1,444,026 phones in Arizona, with approximately 64 phones per 100 people. The average monthly cost is now $9.

If service categories were restructured to eliminate rate averaging and repriced so as to cover all directly attributable costs and, in addition, all common corporate overhead costs, the average monthly business rates would decrease and residential exchange service rates would increase from $9 to $16.15 per main telephone. This would mean an average increase of about 79 percent to meet the revenue requirements of residential service. Obviously, the beneficiaries of a change in rate structure would not be the residential consumer whose cost is now supplemented by business services.

Now, Mr. President, I am for lower rates, but not when it means lower rates to business and higher rates for the residential consumer. Who will look after the small consumer if regulation does not protect him?

Inflation has already taken its toll upon the people of this country with increased costs of food, clothing, and other basic necessities, and Congress has extended certain tax benefits to alleviate the effects of inflation. Congress should now consider the cost effects of regulatory trends in the telecommunications industry. Basic phone service must not become a luxury placed beyond the reach of many consumers.

Though it is late in the session, it is important to emphasize these issues at this time. It is my hope that legislation will be introduced early in the 95th Congress to safeguard against the problems I have referred to and to safeguard the principles which have enabled Americans to receive the best and most efficient service in the world. We must keep in mind the mandate of the Communications Act that service be available to "all."

TESTIMONY BEFORE THE COMMITTEE ON COMMITTEES

Mr. STENNIS. Mr. President, I ask unanimous consent that a copy of my remarks before the Committee on Committees on the proposed consolidation of the Senate Armed Services Committee and the Senate Foreign Relations Committee be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF HON. JOHN C. STENNIS, A U.S. SENATOR FROM THE STATE OF MISSISSIPPI

Senator STENNIS. Mr. Chairman and gentlemen of the committee, I first want to say that I am interested in your study and in your work and in your recommendations.

We have problems that are known to you, and to some lesser degree all of us, in the particular field of energy and environment that you have just mentioned other new but urgent and demanding matters.

I am here today to speak primarily to that proposal which, in substance, says that the Foreign Relations Committee of the Senate and the Armed Services Committee of the Senate work is so related or so nearly the same that it ought to be combined, consolidated into one committee.

I don't want to talk about myself, but I do want to call your attention to this fact. I do speak from a background of having been on the Armed Services Committee since January of 1951. I am going to begin by relating some situations where those two committees have come together whenever there was an acute or an overwhelming problem, or a very grave problem, and have sat together and reported together and acted under a resolution passed by the Senate, so that every member of the Senate was in on the decision.

According to that record, and according to my recollection, that was always done and brought up when any member of either committee, or a member of the Senate, seriously considered and urged or asked that it be done.

My major point—I am coming to that one first—is that this is the proper way to take care of the situation, that it has been done all these years since 1946 and that it has worked.

I can point out too, if my memory is correct, during all that time when we have had wars and rumors of wars and crises in the Middle East and elsewhere, there has never been a time when the Senate had to be called on to decide a jurisdictional question between these two committees.

I don't think it has ever come to a vote. I can't recall it. We can't find any record of it. In other words, the chairmen and other members of these committees have worked it out among themselves and submitted a formal resolution. The two committees then acted together.

I will name these resolutions in a minute.

Mr. Chairman, I have a statement here. I think all of it is relevant. It is 13 pages. I don't want to take your time by reading it. but I think it ought to be in the record. May I ask that it be put in the record and then let me comment on certain paragraphs as I see fit?

Senator STEVENSON. Without objection, it will be printed in the record following the testimony.

Senator STENNIS. I thank the Chair.

Gentlemen of the committee, the real jurisdiction of the Senate Armed Services Committee goes back to the Constitution of the United States, which sets forth in more particularity than any other source, what the powers of the Congress shall be—to collect taxes, pay debts and to provide for the common defense and general welfare.

Then it goes on to specific clauses—to declare war, to raise and support armies, to provide and maintain a navy, to regulate the land and naval forces, call forth the militia, and to organize, arm and regulate the militia.

So there we have the emphasis, the emphasis is in the Constitution of the United States.

Coming right on down now for almost 200 years of history, the Congress has operated on its own rules drawn, of course, consistent with these provisions in the Constitution.

I referred already to these joint resolutions, but let me point out the massive amount of work that the Armed Services Committee does. I am not referring to myself but to the other members.

These are the records of the hearings this year, gentlemen (indicating the volumes of hearings) that the committee has conducted, the printed record. There are about 12 or 13 volumes of many thousands of pages. I am advised that our committee, with its subcommittees, held about 160 meetings.

That was all to take testimony from knowledgeable witnesses. For instance, the so-called McIntyre Subcommittee on Research and Development this year considered $12 billion for research, development, test and evaluation.

That included over 1600 items, line items now, in an authorization bill. They went into every single one of those line items except for a few very minor, immature, early projects, and gave a judgment on those items.

With all deference to everyone, that is the only committee—and we have done this now for years—under present operations where this is done.

That means that when anyone raises on the floor of the Senate—they have a right to raise it—any point about any one of those 1600 items, we have a man there who is qualified and willing to answer those questions.

I am talking about Senator McIntyre and his associates. The thought of its being a political matter or partisan matter never enters anyone's mind.

There is no use to go into those items now by detail, but those hearings follow our bill on, from the committee to the conference—where we have very difficult conferences because it covers so much—and on to the Appropriations Committee.

In addition thereto, we have responsibilities over a many, many billion dollar stockpile program.

Senator Cannon and his group for years and years have given the utmost available answer to all of those items in making judgment on it. We have a number pending now. This year's budget took credit—I don't say this critically of the President, but I think it is a pretty good way of bringing the matter up front—I believe it was for about $746 million that the President proposed that we sell in stockpiles.

He took credit for it to start with in the budget, which is all right. We worked on these matters and we have recommendations ready now. Those are matters that ordinarily are not thought of, which we go into.

We review all this weaponry—as Senator Goldwater knows, as he is very valuable in going into it—tanks, planes, submarines, missiles, everything—not only the research and development but we go on into production and then on down the line making judgments of most profound significance on monetary importance year after year after year in the course of one plane and its production, how many ships we are going to have, or series of ships; and submarines the same way.

That all adds up to an amazing volume of work. Those things certainly cannot be relegated to foreign policy.

There are many, many aspects of this work that relate to the national defense. Some call it foreign policy; but first of all, it is the nation's self-defense, and they are directly connected with many of the judgments that are made.

They are directly connected with our defense.

My point here is that you need a number of men on each one of these commitees that have concentrated and experienced and made judgments over and over on subject matters that they were primarily interested in and on which they gave leadership and formal suggestions to the Senate.

I can refer to some quite briefly. I looked over some of these names this morning. Since 1946 or 1947, when the rules were adopted on matters of foreign policy, we have had the benefit of men's minds such as Arthur Vandenberg—this is since I have been here—Bourke Hickenlooper, Tom Connally, Walter George, and Alben Barkley.

Those were members of the Foreign Relations Committee whose primary interest for years and years was directed in those courses.

On the Armed Services Committee, the late Styles Bridges, the retired Leverett Saltonstall, Richard Russell, Harry Byrd, Sr.—those men were there and especially trained in those fields with experience and were ready on an instant's notice, like when the Korean war started.

We are not going to get this same kind of talent in a committee that is going to have

to recommend on foreign policy and anticipate just when we are going to have war, and things of that kind.

But coming right on down the line, you had these men to pass on these matters who were versed in it, experienced in it, and loved it to a degree. Then when you had a need for joint consideration—hearings, recommendations, positions that the Senate should take—you had the benefit of all of them on what I would call the acute or major foreign policy matters and major military matters.

I was here when the Douglas MacArthur hearings were held. I was a very new Senator, but I got more mail on that one subject than on any subject since then. That is true with most of the Senators who were here.

It was one of the turning points in history in many ways and it was handled, and let me emphasize—virtually all these years—by Senate resolutions that were not fought because the leadership for them came from these two committees.

Let me call out the ones that I am referring to. In 1951, under Senate resolution, inquiry into the military situation in the Far East and the facts surrounding the relief of General of the Army Douglas MacArthur. That was in 1951 and elections were coming up in 1952.

In 1951 also, Senate Resolution 99 and S. Con. Resolution 18, approving the action of the President of the United States in cooperation in the common defense efforts of the North Atlantic Treaty Nations.

There was the NATO question, a very far-reaching, imposing subject that came to a head following the Marshall Plan, which came out of the Foreign Relations Committee. It came to both committees by special Senate resolution.

I remember General Eisenhower's testimony in connection with that matter; I was there as a member of the committee.

Among other things, he said, "I am willing to risk my place in history and let it stand on the success or failure of this undertaking."

That impressed me tremendously. I am no hero worshipper, and wasn't then, but that was just one of the things that I do remember as a part of the argument.

I am not being personal in this. I remember the debate in the Senate with these two committees leading, and I remember Bob Taft's sacrifice. He was a mighty big man in my estimation, particularly in his public service. I remember the sacrifice he made.

I remember Bob Taft, Sr. standing there on the floor, and saying, "Let's go it alone." That is what he believed and that is what he argued for. There was a good deal of sentiment to that effect. But the decision went the other way.

I bring that up to show you we aren't dealing with child's play here, even in our little formalities that these two committees have been through, and worked together when the occasion called for it in their judgment or the judgment of the Senate.

Moving on to another one, Senate Joint Resolution 230 expresses the determination of the U.S. with respect to the situation in Cuba. That was in 1962. Preceding that, we had had a joint meeting in 1957 on H.J. Res. 117, Middle East Resolution.

Joint meeting is not correct. It was joint hearings, joint consideration and in most of these cases a joint report. Sometimes they might have filed a separate report.

Here is a jawbreaker. In 1964, H.J. Resolution 1145 to promote the maintenance of international peace and security in Southeast Asia, the Tonkin Gulf Resolution.

There is one I have always thought and realized we didn't go into enough; both committees were too quickly satisfied with the situation.

I think I would have voted, as I did, regardless of how much we had been into it, but we didn't get all the facts. There were only two members of the body who voted against it, which shows the leadership of those two committees, even though they might not have gone into it in depth enough.

It was based on a war that I supported, although I had opposed going in there earlier. It shook this nation, though, as nothing else in my time, and in a way nothing else, has, except perhaps the war that was fought over a hundred years ago.

In 1968, we had a joint consideration regarding troop deployment in Europe. Now, there were military troops and all but deployment there was a foreign relations question.

We had, in 1976, S. 713, a Deep Seabed Mining bill.

I am going to move on now to other considerations we have had where the Armed Services Committee and the Foreign Relations Committee held hearings separately but on the same matter.

The Nuclear Test Ban Treaty in 1963, the Treaty on Nonproliferation of Nuclear Weapons in 1969, the Okinawa Reversion Treaty in 1971, the Strategic Arms Limitation Talks and ABM Treaty in 1972, and as late at 1975, the Egyptian-Israeli Sinai Agreement.

The question of foreign military aid, has always been handled by the Foreign Relations Committee. For awhile it was referred to both the Foreign Relations and Armed Services Committees, but after several years of hearings it became very clear that our committee was not making much of a contribution in this field. It was primarily a foreign relations policy matter and by common consent we dropped the idea of holding further hearings unless there was a special request.

I can't give you the year, but I remember it all, and it was by common consent.

I just think that we would back off from combining the State Department, the President's advisers and Cabinet officials, and would likewise back off quickly from consolidating the Secretary of State and the Secretary of Defense.

It is just so obvious on its face that this wouldn't do. There have got to be separate departments, separate counsel and separate advice. The whole government is entitled to it and we just have to have it in the Senate.

With equal clarity to me and with all deference to all, but with equal force, we just must have it here in the Senate. I don't think it is primarily the responsibility of the Republicans in the field of armed services to have to deal with all these treaties and everything else that comes before the Foreign Relations Committee.

I can think of that readily. I don't know what all else they do have, but if men are going to be in the Senate with finesse or knowledge and experience in this field of defense matters, we better keep a committee not confined solely to that purpose but that has as its primary purpose the consideration of those policies and actual arms and everything else that goes with an effective military machine.

Certainly, the Senate and the House are entitled to that.

I just don't see, and I speak, as I say, in deference to all, I don't see how we can ever bring them together and get any better consideration of these subject matters than is given now.

I am compelled to believe it would be far less complete and not as thorough as these major matters are given now. I personally believe that we have problems in the Senate. I am not denying that. And I want you to get into them, of course.

This matter depends so much on the attitude of the chairmen and other members of these committees. There hasn't been a scintilla of trouble in all these years toward getting these joint considerations and joint hearings.

We have had the benefit of a liaison there directly. Senator Symington has been on both committees. Senator Fulbright and I differed on many things but we never had the slightest moment of trouble and neither did Senator Russell. Senator Sparkman, the same way.

I bring that out to emphasize how close the affinities have been. There was no rivalry that I have ever seen and no contest between the committees, no one trying to kill the others' bills.

All those that I have had a chance to talk to, Mr. Chairman, are seriously concerned about this very question.

Now, we need ways to get at these problems better. In these two committees you have growing concern. I think they are both rather good working committees.

I believe the first thing we have got to do is give more time to Senators. For instance, there were nearly 600 roll call votes this year. That is not in criticism of anyone who asks for a roll call, but it is the time of 600 roll calls where 100 people are taken from what they would otherwise be doing. All of us are to blame.

I am not blaming anyone, but something has got to be done about that matter.

Another thing—and this is with great deference—we have lost the benefit on the Senate floor of what we used to have in the form of excellent debates. I mean a barrage, an exchange of ideas.

I am not talking about partisan things but about illuminating, thorough and exhaustive kinds of debates by several members on each side of a question.

Maybe I am looking to the past too much, but I know if a Senator would get up on the floor and say, "Mr. President, I want to announce to my colleagues that if I can get the floor on next Thursday, somewhere near 2 o'clock, I expect to make a speech that I believe will be of importance to the nation and of interest to the membership"—the membership would come to hear it. And that always was a very valuable speech.

That isn't the general situation now, of course. Now perhaps the best speeches are during debates on the bills.

Unfortunately, we don't get to do that now. We got to have something there on the floor that is more akin to order and the ability to hear each other.

I am just as guilty as anyone else, but we have gotten careless. That involved a matter of self-discipline.

These are just some things that we can get at, and we must get at.

I don't want to take any more time. You have been very patient with me. I had the privilege of putting all my remarks in the record. I will conclude at this point.

Senator STEVENSON. Thank you, Senator Stennis. You have served in this body for almost 30 years now and have more experience in it than all the members except for three or four.

You have been a skillful legislator and a most effective chairman of the Armed Services Committee. Your views are entitled to great respect. You certainly have my respect.

As you know, these proposals are nothing more than that. They are not recommendations. They are starting points for consideration of recommendations by the committee.

The underlying reason for the one proposal to merge these two committees was the feeling on the part of some that it was difficult to make sounder judgments on military procurement questions, on military personnel questions, on construction, and so on, without the clear perception of what the foreign policy objectives of the United States are and that the merger would at least be able to combine the committees to relate to and in support of foreign policy objectives of the

national defense requirements of the United States, but relevant to military policies.

I am going to leave the questioning on that proposition to your colleagues of the Armed Services Committee, Senator Goldwater.

Let me ask one question.

Senator Church was here yesterday to argue very strenuously against this proposal.

Senator STENNIS. Yes.

Senator STEVENSON. Among other things, what somebody said was very close to what you said, but he also said that he was afraid that if there was a merger the Foreign Relations Committee would be devoured by the Armed Services Committee.

Are you concerned about being devoured by the Foreign Relations Committee?

Senator STENNIS. I don't know. I don't know how that would go. I don't believe any committee though can give a great deal of primary and in-depth consideration to the vast number of major subjects that they would have before them.

I am not thinking of this thing in terms of who would be devoured. I wouldn't think so since you mentioned it.

The Foreign Relations Committee has prestige throughout the world. When I was a young man and interested in government, and so forth, there were people who looked to see what the Foreign Relations Committee was going to do, what were their recommendations.

As a boy, I remember the League of Nations debates, Mr. Woodrow Wilson, and all of that.

This committee emerged as the principal policy maker and judgment maker—some thought rightly and some thought wrongly. I want the Foreign Relations Committee to continue to have prestige and influence around the world.

I don't think they would be absorbed, if we tried. But you can't neglect the military. I wouldn't want to neglect it.

Senator STEVENSON. Senator, assuming that the two committees remained separate but that, in the interest of reducing the number of committees or rationalizing jurisdictions, the committee recommended the creation of a Human Resources Committee, perhaps built on the Labor and Public Welfare Committee, but to include a lot of the social programs, where would you suggest the Veterans Affairs go?

Assuming the Veterans Committee was abolished as part of the reorganization, should Veterans Affairs go to Armed Services or should it go to the Human Resources Committee?

How do you feel on that question?

Senator STENNIS. With the various programs, I don't want to suggest that it wouldn't fit in at all with Armed Services, but we already have a lot to do. It really fits somewhere with your human resources considerations, I would think, Senator.

Senator STEVENSON. Thank you. Before turning it over to Senator Goldwater—

Senator STENNIS. Pardon me a minute. We handle all this manpower and we are the ones who do go into it in-depth—civilian and military employees—I know that you have heard that the Armed Services is always for the military.

We forced reduction in the uniformed and civilian personnel of the Department of Defense for the last several years. And there are bills that were recommended and passed by the Senate, although a number didn't survive in conference but some of them did.

We forced an adjustment of NATO troops in Europe by getting more of them away from the armchairs and out into the units. I mean it is not paper work, it is actual work.

In any conference they work on us severely. But my point is we go into these things.

Senator STEVENSON. Senator, you mentioned the problems of the Senate, specifically the growing number of roll calls that are made in a session. Each one of them takes 15 or 20 minutes. You mentioned the absence of or the demise of the great debates in the Senate.

Senator STENNIS. Yes.

Senator STEVENSON. We will be addressing ourselves to those problems, but we have had to establish some priorities.

Senator STENNIS. Yes.

Senator STEVENSON. Under the mandate to this comimttee, we are compelled to address ourselves to the jurisdiction of the committees. So that becomes a very large responsibility and one that we are working on now.

What are more of the problems of the Senate? What should this committee be recommending, and specifically, with regard to the jurisdiction of committees, the existing committees structure?

Do you think there are too many committees, too many committee assignments, too many subcommittees, too many conflicting committee assignments? You probably have committees meeting right now.

Senator STENNIS. Yes.

Senator STEVENSON. If you agree with that general complaint, which we have heard from every witness, what should we be doing about it, leaving aside now the question about Armed Services and Foreign Relations?

Senator STENNIS. Again, I will have to give my background.

Frankly, I haven't kept up closely with all these developments the last several years, the addition of new committees, the Joint Committees, and all their problems.

We pass more laws, I think, than we should, and that calls for committees when you do it, or some committee work or committee surveillance. I know we have a lot of them. You would have to kind of group them.

My argument here today is on these two. It is fundamental not to try to put these two together. I don't want the military posture of this country to rest on what the diplomats in the State Department may recommend.

And I say that with all deference. I don't want our foreign policy set by the military witnesses either. I think we better have some men or separate groups versed in those two subjects to at least try to dig into them.

Senator STEVENSON. Do you think the problems—again to use the word "problems"—are sufficiently serious that the Senate should, as a first order of business in the next Congress, take up reorganization of the committee system?

We have asked this I think of almost all, if not all, of the witnesses. I can't remember any exceptions. I think all the others have felt that, without committing themselves, of course, to any form of reorganization, they have committed themselves to that proposition.

Before the Senate gets locked back into the status quo, it ought to take up as the first order of business the reorganization of the committee system. How do you feel about that proposition?

Senator STENNIS. I think, Mr. Chairman, this condition we are in didn't grow up overnight. It grew a little at a time. Just letting the hammer fall in one quick, drastic action would be a grave error.

You asked me for counsel on this, and I point it as I see it. Your committee should continue your valuable in-depth studies and hearings, and not try to rush anything through here and put it into the Rules of the Senate before we even get started next January.

Senator STEVENSON. Senator, you are getting a little bit off. I am not suggesting that you commit yourself to the hammer or the action or any blunt instrument. It is just to take up the subject of reorganization as a first order of business, so that this process, whether it is drastic, whether it is slow, whether it is by attrition or by some other process, gets started.

Senator STENNIS. Yes. A man of your depth, and am not trying to flatter you, and honest concern needs more time than you have between now and our recess, or in January, to come up with something that I think is sound.

I think you are going to have to bring the House of Representatives in. You opened the door to me on this. You have to bring them in on anything effective that you do.

If you report a bill from these combined armed services/foreign relation committee, what are they going to do when the Senate passes it? In the House of Representatives, will it be referred to the Armed Services Committee, or to the International Relations Committee?

I think when you get to the Rotunda, you'll have to turn around and come back. There won't be anybody to take it to in the House.

Senator STEVENSON. Mr. Chairman, you are not suggesting that the Senate ought to wait on the House or let the House tell it how to reorganize. The House went through this exercise not long ago and it didn't wait for the Senate.

Leaving aside the joint committees, which I grant you are a special problem, do you think we should delay for the House or try to create some joint committee? We have had a Joint Legislative Operations Committee for a long time.

Senator STENNIS. No. I wouldn't suggest we have a joint committee. But there must be a related or counterpart committee to take a bill to when you pass it. In 1946—that was before I came—what became known as the Monroney-LaFollette bill, I believe, the basic rule of the Senate with reference to many of these committees, was a joint undertaking of setting up House and Senate committees.

That is where they abolished the Subcommittee on the Navy, and another Subcommittee on the Army, and put them together, and it created problems in the Department of Defense and they had one committee.

Senator STEVENSON. This committee on the committee system expires in February. We are supposed to have a final report by February.

Senator STENNIS. I don't think that is enough reason though, Mr. Chairman, to make a quick report. You just have to ask for more time, as I see it.

I failed to stop and emphasize the importance of these conference committees, by the way. We have some real battles with the House Armed Services Committee—weeks and weeks.

I would emphasize the importance of having committees that have studied with emphasis the same things. You have to select from both the Senate and House members who have worked on the same subject who are versed in those fields, without one absorbing the other.

I think the interest of one or the other would diminish, the one subject matter or the other would diminish and would fall away as the years came and went.

Senator STEVENSON. Thank you, sir.

Senator STENNIS. This is a big thing, this foreign policy matter, as you know.

Senator STEVENSON. Senator Goldwater.

Senator GOLDWATER. Mr. Chairman, I am so happy that my chairman of the Armed Services Committee is here this morning because for quite a few years you and I have talked not exactly about this suggestion but coming closer to the Foreign Relations Committee to help us in the determination of weapons systems that we have to pass on.

Senator STENNIS. Yes.

Senator GOLDWATER. I might remind my friend that this is merely a suggestion. We have, for example, others that constitute the Interior Committee as a Committee on Energy, constitute the Committee on Public Works, a Committee on Environment, a Committee on Commerce and Transportation, and established a Science and Technology Committee.

These are by no means what we are going to suggest. They are just stages that our staff has come up with and we have come up with.

If it has done nothing else than bring you here and let you explain why you oppose this, if it has done nothing else but bring men like Senator Percy and Senator Sparkman, I think it is a great step that we have taken.

Senator STENNIS. Well, you flatter us. It has got to be considered.

Senator GOLDWATER. As I say, your testimony and testimony of others will again have effect on whatever comes out of this committee as legislation.

My total concern, and it will remain a concern, is that we in the Armed Services Committee know a little more about what is going on in the Foreign Relations Committee for this reason. It is true that the Constitution has given us the right to declare war.

But only the President, up until recently, can send troops. We can declare war every five minutes and we don't go to war.

Senator STENNIS. Yes.

Senator GOLDWATER. We have only had five declarations of war in the 200-odd times that we have called the troops out for this reason or that. The passage of the War Powers bill, I think, has had more effect on my feeling about this than anything else, because now the President can call the troops out, but the Congress can end the war when the time comes for it to make up its mind.

We have also, in addition to that, recently passed a control over sales of military equipment to foreign countries. Anything over $25 million has to be approved by the Congress. I think that is going to be something that the Armed Services Committee has to be interested in.

For example, in November, the Foreign Policy Committee is going to hold hearings on the Triad Weapons System. That is all right, but we ought to be in the set too.

Senator STENNIS. Yes.

Senator GOLDWATER. The Foreign Policy Committee is meeting on the sale of F–16's to Iran, F–14's to Iran. They are not meeting on A–7's to Pakistan, but that is something that has been held up by the State Department.

All of these things are related to our Armed Services Committee. As I say, if the suggestion that we bring these two committees together has done nothing more than bring you here, I think it is worthwhile.

I think it is worthwhile that we discuss these things in public because I don't think you or I or anyone else will agree that this Senate is well run or that we are producing the kind of things we should be producing.

I will say it is up to the leadership on both sides to make these changes. I don't like to trot back and forth and make as many as 24 roll call votes in a day, 22 of which might be merely procedural.

Right now, for example, there are two Armed Services Committees in session. I am on both of them. There is an Intelligence Committee meeting. I am on that. And we have this one. I am a member of the minority party, but I am still on 14 subcommittees.

There is no way we can make this system work the way it is.

That is the whole purpose of the committee, it is the reason we are meeting today, to hear from one of our most respected and honored members. And I must say you have made a very, very strong, understandable, cogent argument against combining these two committees.

But I do hope that out of this will come some effort to bring an occasional joint hearing or a freedom to feel that a member of the Foreign Policy Committee can come in to our meetings or we can go to theirs just so that we can sort of keep ahead.

I think in the coming year, for example, just recently the National Security Council has intimated that they have changed their minds on carriers. This is important.

Senator STENNIS. Yes.

Senator GOLDWATER. How much was that affected by decisions of the Foreign Relations Committee, the State Department, the President, and so forth?

It certainly is going to affect our decisions next year when it comes time to make up our minds whether we are going to buy big carriers, little carriers or carriers at all.

Mr. Chairman, I have no real questions on this. I think the Senator has answered all the question that I have had. He and I have talked about this. We have been in some disagreement about it, but it has been a friendly disagreement.

Senator STENNIS. Yes.

Senator GOLDWATER. A disagreement which was a very pleasant experience because, being a Republican, I am always used to losing and he only makes you feel a little better.

Senator STENNIS. Mr. Chairman, I thank the Senator for his remarks. He certainly is a very highly valuable member of our committee.

We are a little apart on this, but let's hold to these fundamentals.

Let me answer on the sales of arms and equipment. I have been in and out in my thinking. I have gone into it several times, but I always come up with the idea that that is more a Foreign Relations matter than it is an Armed Services matter.

Senator GOLDWATER. But we have interest in it.

Senator STENNIS. We do. We are related to it.

Senator GOLDWATER. That is right.

Senator STENNIS. You are exactly right. We are related to it, but predominantly in my thinking, it is for the Foreign Relations Committee. That is the way I see it.

But just to underscore in our committee, just to meet a few decisions like that, on the Triad, I am not raising any Cain about them having hearings on the Triad. I considered the B–1, which is a major part of the Triad, a settled matter.

We have also settled on the modern Trident submarine and we are continuing to build them. Certainly we are not thinking about taking out our long-range missiles.

But if they want to go into that as a foreign policy matter, that is all right with me. If they want a joint hearing on it, that's all right.

I thank you again very much.

Senator STEVENSON. I thank you, Senator Stennis.

Senator STENNIS. It has been very nice. I will put the papers together that I asked to be put in the record.

Senator STEVENSON. They will be entered in the record.

(The documents to be furnished follow:)

STATEMENT FOR SENATOR JOHN C. STENNIS, CHAIRMAN, COMMITTEE ON ARMED SERVICES, U.S. SENATE BEFORE THE TEMPORARY SELECT COMMITTEE ON COMMITTEES TO STUDY THE COMMITTEE SYSTEM, SEPTEMBER 15, 1976

Mr. Chairman, the Select Committee on Committees has a very important mission and I am pleased to have an opportunity to appear before you today.

EFFORTS OF THE COMMITTEE ON COMMITTEES

During its relatively short existence, the Committee on Committees and its staff has done much to identify many of the most troubling problems confronting the Senate. The proliferation of various special committees, the ever-increasing committee assignments, the scheduling overlaps, and so forth are having such an adverse impact on the operation of the Senate that they can no longer be ignored. Similarly, the jurisdiction of committees, particularly in new and changing areas of concern such as environment, energy and health, present major challenges to the organizational capacity of the Senate.

COMMITTEE JURISDICTION

It is the issue of committee jurisdiction, as it relates to Armed Services, that I would like to focus on today.

As I understand, the basic objectives of any effort to reorganize committee jurisdictions would be first, to create a more efficient and equitable division of labor among committees, and second, to eliminate fragmented and overlapping jurisdictions so as to allow comprehensive treatment of a functional area by a single committee. These are laudable objectives which should properly be the measuring stick for any proposed changes.

SUGGESTION TO CONSOLIDATE ARMED SERVICES AND FOREIGN RELATIONS COMMITTEES

In hearings before the Committee on Committees and in the work of its staff there have emerged many thoughtful and innovative suggestions as to changing existing committee jurisdictions. I am not familiar with all of these ideas and have not had a chance to study many of the important suggestions contained in the staff study of the Committee on Committees.

One suggestion, however, to consolidate the Foreign Relations and Armed Services Committees, is particularly disturbing to me.

A new single committee charged with both national defense and foreign policy would have an enormous workload of unwieldly proportions. The jurisdictional responsibilities would be so broad and intertwined as to preclude a clear or systematic focus. In short, this consolidation would not meet the objectives of a more efficient and equitable division of labor among committees or of placing the responsibility of a particular functional area within a single committee.

Finally, such a consolidation ignores the realities of dealing with national defense and foreign policy issues. It is essential that a distinction between national defense and foreign policy always be maintained. Consolidating these two vital subjects in one committee could have a seriously adverse effect on U.S. national defense efforts as well as U.S. foreign policy.

I would not support such a consolidation and find many others who feel the same way.

EXPLICIT CONSTITUTIONAL BASIS FOR ARMED SERVICES JURISDICTION

To appreciate the importance of a separate Senate committee to concentrate on national defense, one must begin with the U.S. Constitution. Section 8 of Article I of the Constitution summarizes the overall power of the Congress:

To collect taxes;

To pay debts, and,

To provide for the common defense and general welfare. The Constitution goes on in 6 specific clauses to describe the power of the Congress to provide for the common defense:

To declare war;

To raise and support armies,

To provide and maintain a navy,

To regulate the land and naval forces,

Call forth the militia, and,

To organize, arm and regulate the militia.

In essence, the Constitution clearly spells out what has become the jurisdiction of the Armed Services Committee. Indeed, the Senate Rules state that the Committee on Armed Services "shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to, . . . common defense generally".

This power to provide for the common defense is one of the most important of the Congress as well as the entire Government. National defense like taxation is an absolute prerequisite of Government.

Consistent with its prominent and specific inclusion in the Constitution, national defense has been treated as a separate function in the U.S. Government since the founding of the Republic. National defense and the military, whether organized in the form of the militia, the military departments, or the Defense Department, have always been handled as a separate function apart from foreign policy in both the Congressional and Executive branch. The Executive has had separate departments for defense; the Congress has had separate committees for defense.

Consolidating the performance of the defense and foreign policy functions in the Congress could have the same profound effects on our government as combining the Defense Department and the State Department or merging the Secretary of State and the Secretary of Defense. Any efficiencies or benefits that such a consolidation might have for the operation of the Senate would be dwarfed by the impact of such a change on our national defense and foreign policy.

THE VAST WORKLOAD OF ARMED SERVICES COULD NOT BE EFFECTIVELY COMBINED WITH THE WORKLOAD OF FOREIGN RELATIONS

The Armed Services Committee presently has one of the largest workloads of any Committee in the Senate. On an annual basis, the Armed Services Committee authorizes more funds than any other Committee. The procurement authorization hearings, which this year total 7315 pages, directly or indirectly cover about 70 percent of the entire Department of Defense budget. The Committee's duties for this effort are required as a matter of law.

Moreover, the Armed Services Committee is required by law to make its recommendation to the Bu get Committee on the entire Defense budget which, as recommended for FY 77, totaled about $116 billion.

The following are important examples of the Committee's detailed efforts:

(a) A judgement on over 1600 individual line items, totaling over $12 billion, for research and development in the Department of Defense.

(b) A recommendation for the annual manpower levels for military and civilian defense personnel which entailed a review and judgment on 308 separate personnel accounts. It might be noted that the largest number of civilians of any of the Executive Departments is the approximate one million in the Department of Defense.

(c) Military construction projects, totaling over $3 billion, covering every state and certain locations abroad.

I would observe that the Committee's workload in recent years has often been extended to floor action on the authorization bill which consumed over seven weeks as the pending business in 1969 and over three weeks in 1971.

The 153 Committee meetings already held thus far in 1976 reflect not only the authorization process but the Committee's oversight responsibilities including West Point cheating, Navy shipbuilding claims, intelligence briefings, statutory and military nominations, and a substantial number of legislative hearings concerning the Department of Defense.

Through this authorization process, the Armed Services Committee has made substantial manpower adjustments and effected billions of dollars in budgetary savings. For example, during the last few years the Armed Services Committee has directed a major conversion of support personnel into combat personnel, from desk jobs to front-line units. During the last three years, the Committee has recommended various adjustments and economies in defense spending totaling upwards of $5 billion. These reductions were achieved at the same time that U.S. military strength was substantially improved.

Finally, on an annual basis, the Armed Services Committee authorizes and reviews various operations of the Armed Forces. In time of peace it is easy to forget that such military activities can be a massive scope and proportions. Providing the capability for U.S. participation in the Korean and Vietnam Wars was an enormous effort and responsibility on which the Armed Services Committee concentrated.

In addition to its annual workload, the Armed Services Committee has cognizance over the law contained in title 10, title 32, and elsewhere in the U.S Code relating to the regulation of the Armed Forces. This large body of law, the importance of which is not well understood, requires constant attention. It consists of thousands of pages of statutes dealing with the organization, administration, training, and procurement in the Department of Defense. For example, the Committee has recently been studying legislation governing the system of appointment, promotion, and separation of officers in the Armed Forces. The bill in its present form is almost 100 pages and has taken over two years of study by the Committee.

To be effective, a Committee must have members who are especially interested and well-versed in a particular subject. When the subject jurisdiction of a Committee becomes too broad—as would be the case in a consolidation of the defense and foreign policy—the ability of Committee members to concentrate in-depth is greatly undermined. Full and active Congressional participation is required in providing a sufficient level of military strength, directing the ever-changing development of military power and assuring civilian control over military forces. A consolidation of Armed Services with Foreign Relations can result only in reducing the amount of Committee time and attention that the Senate devotes to national defense.

Despite any consolidation the level of Committee effort required for national defense will still be the same. Furthermore, there are no efficiencies or shortcuts in dealing with this workload that would be gained from adding, in the same committee, responsibilities for foreign policy.

NATIONAL DEFENSE DESERVES THE FULL ATTENTION OF ONE COMMITTEE

It is no coincidence that the Armed Services Committee has never had difficulty defining its jurisdiction. The basis for Armed Services Committee jurisdiction has been the common defense generally and the military and Defense Departments. Unlike many other committees of the Congress, the jurisdiction of the Armed Services Committee has always been clearly understood and straightforward to apply.

It is interesting to note that in the staff proposals of the Committee on Committees, the Armed Services Committee is the only committee whose existing jurisdiction is not split apart or divided among other committees.

Any effort to adjust or expand the jurisdiction of the Armed Services Committee would inevitably result in a confusion or complication of functional activities rather than a new jurisdiction formulated according to discrete functions. In other words, consolidation of Armed Services Committee with Foreign Relations would not promote a clarification of committee jurisdiction or the systematic and comprehensive look at a single functional area. On the contrary, it would have just the opposite effect.

THE ARMED SERVICES AND FOREIGN RELATIONS COMMITTEES HAVE NOT HAD JURISDICTIONAL PROBLEMS

Mr. Chairman, I must emphasize that the Armed Services Committee has a workable jurisdiction. There has never been a problem of conflicting jurisdiction between the Armed Services and Foreign Relations Committees.

Where there were matters of mutual committee interest involving broad national policy, the jurisdictional question has been readily resolved by a joint referral and joint hearings. Never has there been a challenge to this approach. In my own experience I have seen this approach work smoothly and effectively in the following instances:

Joint referrals to Foreign Relations and Armed Services

1951: Inquiry into the military situation in the Far East and the facts surrounding the relief of General of the Army Douglas MacArthur.

1951: S. Res. 99 and S. Con. Res. 18, approving the action of the President of the United States in cooperating in the common defense efforts of the North Atlantic Treaty nations.

1957: H.J. Res. 117, Middle East Resolution.

1962: S. J. Res. 230, expressing the determination of the U.S. with respect to the situation in Cuba.

1964: H.J. Res. 1145, to promote the maintenance of international peace and security in Southeast Asia (Tonkin Gulf).

1976: S. 713, Deep Seabed Mining Bill.

There are other examples where the Armed Services Committee held separate hearings to consider the military implications of the issue which had been formally referred to the Foreign Relations Committee. Again, I recall several examples of this type of cooperation between the Armed Services and Foreign Relations Committees:

1963: Nuclear Test Ban Treaty.

1969: Treaty on Non-Proliferation of Nuclear Weapons.

1971: Okinawa Reversion Treaty.

1972: Strategic Arms Limitation Talks and ABM Treaty.

1975: Egyptian-Israeli Sinai Agreement.

DEFENSE SHOULD BE SEPARATE FROM FOREIGN POLICY

Ostensibly, there would appear to be a very close relationship between national defense and foreign policy. Both deal with foreign nations. Both depend to some extent on the other.

While they are certainly related however, national defense and foreign policy are very different functions. The primary Congressional responsibility for national defense is to ensure the preparedness, effectiveness and control of U.S. defense forces. To raise, support, and regulate the Armed Forces is crucial to the very survival of this nation. This prerequisite remains constant regardless of the particulars of any foreign policy.

Consequently, the operations of the Armed Services Committee are largely devoted to budget authorizations, weapons systems and military policy.

Foreign policy, on the other hand, goes far beyond military matters. Foreign policy must take defense capabilities into account just as defense policy must take account of foreign policy. But the formulation of foreign policy should not depend on the needs of the military. It is essential to the viability of each that they remain different.

A classic example of the differentiation between foreign policy and national defense occurred after World War II. Through the work of the Foreign Relations Committee in analyzing the economic situation in Europe, the Congress authorized the Marshall Plan. Based on the economic underpinning of the Marshall Plan, the Foreign Relations Committee was able to take action on U.S. participation in the military alliance that became known as NATO. The essential economic background and perspective for the NATO alliance could have only come from the Foreign Relations Committee. The Armed Services Committee, which had been devoting its attention to creating and reorganizing the Defense Department, would have been ill-equipped to deal with the issues surrounding U.S. participation in NATO.

To have the same Senate Committee, Executive department or cabinet officer responsible for foreign policy and national defense would create the potential for transitory or extraneous foreign policy considerations detracting from defense readiness or similarly for purely military considerations dominating U.S. foreign policy. Diplomats should not be responsible for national defense just as the military should not be charged with making U.S. foreign policy.

CONCLUSION

In my judgment, consolidation of the Armed Services and Foreign Relations Committees would not clarify or streamline the existing committee jurisdiction. It would not increase committee efficiency or improve committee performance. On the contrary, it would confuse what has been in the past a clear and non-controversial jurisdictional demarcation. It would overlap and confuse what has been in the past a clear and non-controversial jurisdiction demarcation. It would overlap and confuse what has in practice been and shall continue to be two separate functions—defense and foreign policy. Most importantly, the consolidation could serve to dilute and destroy the U.S. defense efforts and foreign policies.

Before any step is taken which could have such far-reaching effort on U.S. defense and foreign policy efforts, I suggest that it be given full study. This study should go beyond a mere examination of the effects of any change on the organization and procedures of the Senate. It should also carefully assess the effect of any change on the substantive actions of the Senate in a particular field, such as national defense or foreign policy.

ADDITIONAL OBSERVATIONS

Before closing, I would like to make a recommendation to the Committee and point out a problem that has been particularly troubling to me.

I would recommend that in any deliberations about restructuring the committee jurisdiction of the Senate you carefully consider the potential for similar action by the House of Representatives. A restructuring proposal for Senate committees that flies in the face of the practices and prerogatives of the House will surely create more difficulties than it resolves. Therefore, it would be desirable if any reorganization legislation would at some point receive consideration and action by the House.

Finally, there is one particular problem that I feel compelled to point out specially. During my first full year in the Senate in 1947 there were 138 rollcall votes. In 1957 the number of rollcalls had dropped to 111. During 1975, in contrast, there were 611 rollcall votes, or an increase of 5 to 6 times. Admittedly, as the legislative workload has increased there must be a corresponding increase in the number of rollcall votes. But in my judgment there are far too many rollcall votes on items that do not require or deserve the attention of the full Senate. A great deal of valuable time is lost as a result of these rollcalls. Reducing the number of rollcalls would be one of the simplest and more direct ways of increasing the productivity of the Senate.

ARMS SALES TO SAUDI ARABIA

Mr. PERCY. Mr. President, today the Senate Foreign Relations Committee voted on the proposed arms sales to Saudi Arabia. Involved are hundreds of millions of dollars in sales, including a wide variety of military weaponry and associated training and facilities.

In committee I supported all these sales except the $30 million in Maverick missiles, because I felt that there must be some limits on the introduction of additional high-technology weaponry in the region, that Saudi defense needs are adequately served at this time by the other substantial weaponry being provided, and that the buildup of weaponry in that country may be greater than their ability to absorb it.

I consider the leaders of Saudi Arabia to be good friends of the United States who have earned our respect for their efforts to achieve economic development in their own country and in other less-prosperous Arab nations. They have earned our respect for their efforts to achieve a lessening of tensions in the Middle East. They have earned our respect for their responsible attitude toward oil pricing. Were there any real threat to Saudi Arabia, I would not hesitate to approve the Maverick sale. But there is not. I cannot believe that any nation, Israel included, has any intention of attacking Saudi Arabia, which is widely respected in the region.

Should Saudi Arabia ever need American support to protect her sovereignty and independence, I have no doubt that America would translate our respect for the Saudis by providing it. By approving the overwhelming preponderance of the military sales to Saudi Arabia today, the Senate Foreign Relations Committee has made this clear.

SUNSET LEGISLATION

Mr. MUSKIE. Mr. President, I would like to thank and congratulate the junior Senator from Ohio (Mr. GLENN) for the hard work and thoughtful attention given to the sunset legislation.

Senator GLENN was one of the original coauthors of the bill and has helped guide it out of subcommittee and full committee and on to the Senate Calendar.

I am deeply appreciative of Senator GLENN's efforts and I ask unanimous consent that his excellent statement on the sunset legislation be printed for the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR GLENN ON THE SUNSET BILL

As a co-author with Senator Muskie, of S. 2925, the Government Economy and Spending Reform Act of 1976, I am especially pleased to see this tremendously significant legislation make the progress that it has during this session of Congress. If it is not enacted by the end of the 94th Congress, then it is absolutely imperative that it be one of the first items on the agenda for the next Congress.

I believe that this legislation meets some of the demands of the American people with respect to the way in which our government operates. What our citizens are demanding is an efficient, responsive, and competent Government, one that delivers what it promises, one that makes its decisions humanely, clearly, and understandably, and that does not proliferate and continually grow minus any rational scheme.

I believe that the Government Economy and Spending Reform Act of 1976 has the potential of coupling itself with the Congressional Budget Act to serve as a thoroughly effective mechanism by which the Congress may get a better handle on money spent by the Federal Government.

The once ever-expanding pie of Federal expenditure has begun to reach its limits. Within that limitation, competition for program priority and preference will be severe. That competition must be rational, sane, and substantive. The Government Economy and Spending Reform Act of 1976 provides a framework for serious evaluation of our programs and our spending. Basically and fundamentally, the bill requires that congressional committees take a hard look at programs under their jurisdiction and report, among other things:

First, whether they are, indeed, working as Congress intended;

Second, whether the program is duplicative of others; and

Third, the impact the program has on the national economy.

In other words, we are asking that congressional committees assume their oversight function with increased vigor and vitality and with more quantitative stringency. With the exception of programs to which individuals make payments to the Federal Government in expectation of later compensation—social security, railroad retirement, civil service retirement, medicare, et cetera—all Government programs would have to be reauthorized after stringent review every 5 years.

Additionally, I have worked to extend the sunset concept to what are commonly known as "tax expenditures"—tax incentives. To my mind this is essential if we are to effectively achieve the objectives of the bill, for example to get a firm hold on Federal spending.

It would seem to follow that if the termination and reauthorization process of the bill is confined to spending programs alone, we will leave a substantial portion of our job undone. The Congress recognized this basic problem in 1974 by including in the Congressional Budget Act the tax, as well as the spending side of the equation.

My proposal would require that each Federal tax expenditure be investigated systematically to determine whether it has been effective, whether it is being used for the purposes not originally intended by Congress, and to what extent revenue is being lost through the operation of the provision. Today there are scores of tax incentives built into the Federal income tax system. All were created with a specific goal in mind.

Some were intended to stimulate or move the economy in certain directions; others were motivated by social concerns and were intended to encourage individuals and businesses to move toward various national goals. Yet, whatever their original purposes, the fact remains that some of these tax incentives have grown to the point where they are tax loopholes, going far beyond their original purposes and eagerly sought as a means of avoiding taxes. The result has been that the revenue loss due to these tax ex-

penditures has mounted each year to the point where, in fiscal year, 1977, it is estimated that they will approximate the amount our nation spends for defense.

Over the past years the growth of tax expenditures has in fact been at a faster rate than the growth of direct expenditures. The Joint Committee on Internal Revenue Taxation has recently estimated that in the decade from 1967 to 1977, Federal spending has climbed by 146 percent from $158 billion to the $394 billion now proposed by President Ford. In the same period, however, tax expenditures have mushroomed by 176 percent to an estimated $101 billion in fiscal year 1977 from a level of $36 billion in fiscal year 1967.

This upward trend in revenue loss gives no indication of abating. It is certainly disturbing that there are no clear limitations on how much each tax expenditure provision could ultimately cost the Treasury. Presently there is insufficient analysis of each tax expenditure to determine whether some have grown out of control and should be eliminated because the original purposes have been obscured. The limited success of efforts toward tax reform reflect how difficult it is to revoke or even modify tax expenditure provisions once they take effect and become entrenched. It is my hope that this proposal will greatly facilitate such revisions of the tax code whenever circumstances warrant them.

I strongly support this bill and I am happy to be a principal cosponsor of it. I know that we must clean up and improve our Government. Only by eliminating dead weight, inoperative, wasteful and inefficient programs can we make available the resources needed to adopt fresh, innovative, and exciting new solutions to our pressing problems of poverty, discrimination, urban decay, pollution and so on. This bill is perhaps a small procedural step that will free us from so much built-in failure, that will help restore our people's confidence in Government and will help us along the road to really moving to cure the ills of the Nation.

MEAT IMPORT ACT

Mr. HRUSKA. Mr. President, I rise in support of the amendment of the Meat Import Act offered by my distinguished colleague from Nebraska Mr. CURTIS, and the Senator from Kansas, Mr. DOLE. They are to be commended for proposing this amendment because it is significant to the well-being of our domestic livestock industry which has been beset with drastically low prices in recent times.

In the past few years our whole economy has experienced a recession, but no segment has been harder hit than the cattle industry. Examples abound of feeders who have lost, and are now losing more than $100 per head. Prices for calves have plummeted. Some ranchers and feeders have been forced out of the business, and many others are on the verge of bankruptcy.

The current market is a prime example of the difficult situation the cattle industry has encountered. Feed costs per pound of grain are estimated to be about 43 cents. When interest costs, fixed costs, and a return for labor are added, the cost can be more realistically set at 50 cents. Steers in Omaha last week were selling for 37 cents a pound. Those figures clearly illustrate the plight of the cattleman.

THE IMPORTANCE OF A FINANCIALLY SOUND CATTLE INDUSTRY

Mr. President, when times are tough for the cattleman, the whole economy of a State such as Nebraska suffers correspondingly. As an agricultural State Nebraska is extremely proud of the productivity of our farmers and ranchers. This productivity resulted in the marketing of farm products last year that had a value of $4.1 billion. Of that total, $2.4 billion came from the marketing of livestock. Specifically, cattle marketings last year in Nebraska accounted for more than $1.5 billion of the total value of agricultural products sold.

Obviously, the health and well-being of a multibillion-dollar industry has a marked effect on a State. When the cattleman loses money, the solvency of local banks and the other financial institutions that provide operating capital to him is placed in jeopardy. New machinery cannot be purchased. Local businessmen suffer because normal retail purchases are curtailed. Jobs are lost and unemployment becomes a problem. For example, even in a major metropolitan area such as Omaha, it has been estimated that more than one out of every three jobs is directly related to or dependent upon agriculture.

Mr. President, the American consumer also has a considerable interest in this matter. I am pleased that the so-called consumer groups are finally beginning to realize that the bounteous supply of food that is available at reasonable prices to all Americans can be expected to continue in the future only if the farmer and rancher receive a reasonable income for their work and investment. Nowhere else in this world can the average family expect to pay only 17 percent of its income for food.

Consumers cannot expect this situation to continue if the cattleman is either forced out of business or drastically reduces his production. A steady supply of beef will be available only if the cattleman can make a profit in producing it.

CLEAR CIRCUMVENTION OF THE MEAT IMPORT ACT OF 1964

Given these facts Mr. President, it makes no sense to allow a further price depression by continued circumvention of the meat import quotas contained in the Meat Import Act of 1964. That act is very specific. It outlines categories of meat that are to be subject to annual quota limitations. No beef that falls into one of these categories is to be imported into this country unless it is charged to the annual quota total of the importing country. The Secretary of Agriculture is specifically directed to take steps to see that the intent of the law is carried out, and that no circumvention of it occurs.

Yet, we have a situation now occuring where a clear circumvention is taking place. I refer, of course, to the current reprocessing of imported beef in the free port area of Mayaguez, Puerto Rico. Meat that is clearly subject to the quota is being shipped to Puerto Rico for processing. Dicing, deboning, or some other processing takes place, and the same meat is magically transformed into a product that technically does not fit into one of the quota categories. It is then shipped into this country and not charged against the individual country's quota, or the overall annual limitation. It is the same meat, and is a direct circumvention of the intent of Congress in passing the Meat Import Act.

The amount of meat already shipped to this country through this back door is staggering. More than 30 million pounds have been imported, and it has been estimated that as much as 70 million pounds may enter by the end of the year. A second plant is to open shortly in Puerto Rico.

Applications have been made to build plants in other free port areas. If action is not taken soon, more meat may enter this country under this scheme. If the 70-million-pound estimate is reached this year, 5 percent more meat than this year's limitation will come into the country. This is deplorable, especially in light of the current condition of our livestock industry.

Mr. President, I cannot fault the actions of the Department of Agriculture with regard to this matter. It has been making its best effort to close the loophole. Secretary Butz took early action by requesting the Foreign Trade Zones Board to use its authority to shut down the plant because of its detriment to the public interest. The Secretary also attempted to issue regulations that would require this meat to be charged to one of the appropriate categories subject to quotas, as it rightfully should be. Regrettably, both actions have been stalled by lawsuits and temporary injunctions.

It is not the fault of the Department that the circumvention continues. What is clear, however, is that it is time for the Congress to step in and expedite this matter before further damage is done to the livestock producers of this country.

NEED TO PROTECT THE POSTURE OF OUR TRADING POLICIES

Mr. President, the intent of the Meat Import Act of 1964 is clear cut. Our trading partners know by its terms what is expected of them. Faced with a similar situation, they would not hesitate to take quick, decisive action to correct it.

In fact, other beef exporting countries, including some of our major trading partners, openly discriminate against our beef producers. They do so by barring totally the entry of any U.S. beef from their countries, or by placing a heavy, unrealistic duty on such imports.

For example, the discretionary licensing systems of Australia, New Zealand, and Argentina have thwarted the influx of American beef. The European Community has a similar system, and even when limited licenses are granted, an ad valorem duty of 20 percent is extracted from the importer. On top of the ad valorem duty, a variable levy and other taxes are added so that the few American primal cuts of beef that are exported to Europe have a landed cost which is a full 85 percent higher than the actual cost of the beef. And that cost does not include any of the

transportation or handling costs incurred in sending the beef to Europe. This is most unfair considering the fact that the United States, for example, has only a 7.5-percent duty on imported canned corned beef.

With such stringent requirements and even prohibitions placed on our exporting abilities, we should not hesitate to take action to maintain the integrity of our own trading law.

Mr. President, the Curtis amendment will allow us to take positive action to erase this black mark on our trading posture before it reaches greater proportions. Stated simply, it requires that any meat that would be subject to a quota when it enters a free port area must be charged to the quota after reprocessing and shipment into the customs territory of the United States. This is as it should be. It would stop the current circumvention, and carry out the intent of the Congress as expressed in the Meat Import Act of 1964. It would provide some measure of relief to the domestic livestock industry, and would be of long term benefit to the consumers of this country.

I urge adoption of the amendment.

IN SUPPORT OF THE SUNSET BILL

Mr. ALLEN. Mr. President, big government has been something like the weather in recent years—everybody complains about it but few seek to do anything about it.

I am pleased, therefore, to rise today to commend my colleagues who are doing something about it, particularly Senator MUSKIE and Senator ROTH, who are the chief sponsors of S. 2925, the Government Economy and Spending Reform Act. Commonly referred to as the "sunset" bill, this proposal would weed out programs that duplicate each other or serve no good purpose. This measure is considered by its sponsors—and rightly so, I believe—a logical extension of the new congressional budget process. Where the budget process lets Congress set spending priorities, S. 2925 would give Congress a way to determine whether Federal programs are meeting those priorities.

It would require a complete congressional review of all Federal programs every 5 years. Any program not specifically reauthorized by the 5-year review would automatically be abolished. Programs deemed worthy could be continued for up to another 5 years, but would not necessarily be maintained at their existing level of spending. Congress would start at a "zero base" in its reexamination and each program would have to be justified and its impact on overall Federal spending would have to be evaluated in order to continue.

All agencies in a related field would come up for review and evaluation simultaneously so they could be considered as a group and, if necessary, could be consolidated to eliminate overlapping and duplicating of programs.

The only exceptions to the Federal "sunset" bill would be for payment of interest on the public debt and for programs in which individuals make payments to the Federal Government in order to receive benefits later in life, such as railroad and civil service retirement, social security, and medicare.

Program evaluation is a fairly recent process. Only in 1946 did Congress, in the Legislative Reorganization Act require its committees to exercise "continuous watchfulness" over the programs under their jurisdiction.

In the 1968 Intergovernmental Cooperation Act, Congress asked its committees to review the results of programs of Federal grants to States and cities that were authorized into the indefinite future. But there was no provision for terminating programs that did not get reviewed.

The 1970 Legislative Reorganization Act called for GAO to begin providing Congress with studies of the costs and benefits of Federal programs. Congress rejected a proposal for mandatory pilot testing of new programs when it passed the 1974 Congressional Budget Impoundment Control Act, but it included a section expanding GAO's program evaluation duties.

GAO budgeted some $67.9 million to perform program evaluation in fiscal 1977. OMB estimated that 17 of the biggest Federal departments and agencies—excluding the Defense and State Departments and part of the Treasury Department—spent $116 million in fiscal 1975 for evaluations. These efforts have not been enough to blunt public criticism of Federal programs.

Since the "New Deal" days of President Franklin Roosevelt, the U.S. Government has spawned thousands of programs, and the Federal bureaucracy has grown to such proportions that in many cases it is no longer fully responsive to the needs of the people. Its heavy-handed intrusion into the affairs of local governments and individuals is meeting with increasing resentment.

The 1976 Catalog of Federal Domestic Assistance lists 1,030 programs administered by 52 Federal agencies. In fiscal year 1976, these programs provided an estimated $59.8 billion to the 50 States and nearly 80,000 units of local government. In the health field alone, there are 302 different programs administered by 11 separate Federal agencies.

Last year, regulations and legal notices issued by Federal agencies filled some 60,000 pages in the Federal Register. Things have reached the point where Americans are hard pressed to know what the law requires—let alone comply with it.

For too long, Congress has been satisfied to leave the hard work of implementing and evaluating Federal programs to the executive branch. Congress has not paid enough attention to how well the programs were working. These years of inattention to performance have taken their toll, resulting in widespread inefficiencies in many programs and a pervasive distrust of the Federal Government.

The "sunset" bill would end the unspoken rule that money spent on a program this year must be continued or increased in next year's budget, or that all of our problems can be solved with more programs and increased Federal spending. This is just not so.

While no single piece of legislation is likely to provide a total solution to the complex problems of big government, the "sunset" bill would be a major step forward in restoring congressional control over the Federal bureaucracy, in reducing spending and in restoring public confidence in government.

Mr. President, I am pleased to be a cosponsor of S. 2925. This bill would establish an effective procedure for Congress to eliminate wasteful Federal programs and put our tax dollars where they can be most effective. It is regrettable that this legislative proposal is victim this year to the relentless march of time. The bill, however, represents an idea whose time has come, and I anticipate that the 95th Congress not only will hear much about the "sunset" bill, but also will act favorably on this legislation.

HANDICAPPED CITIZENS

Mr. LAXALT. Mr. President, 200 years ago the citizens of this country fought and achieved their independence from the British. Today, in this Bicentennial Year, many Americans still continue to fight for their independence. The independence these people seek is not from the domination of another country but rather from the domination of a society which forces barriers and restrictions upon them under which no other American citizen is forced to live. I am speaking of the mentally and physically handicapped.

The handicapped form an extremely large portion of the population in this country. As an example, 1 out of 10 persons are permanently or temporarily handicapped with limited mobility. Furthermore, 10,000 people between the ages of 20 and 40 and an additional 10,000 between the ages of 40 and 60 go blind each year. In addition, it is now estimated that there are approximately 1,300,000 mentally retarded children. At least 10 percent of these children also have a hearing loss.

Handicapped people have the same desires that persons without handicaps have. They desire to live happy, productive lives. Too often, however, they are hindered in achieving their goals because of the false assumption on the part of many that they are not capable of skilled employment. Furthermore, even if an employer is willing to hire a handicapped individual, often architectural and environmental barriers prevent the individual from being able to take the job.

Besides employment handicapped individuals are constantly being held back because of discrimination they confront in schooling, transportation, and housing. This is a deplorable situation which Americans must be made aware of if these problems are ever to be corrected.

Mr. President, I am not introducing any legislation at the present time. I simply want to call to the attention of my colleagues the fight for independence of a valiant people.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary:

Everett R. Longford, of Oregon to be U.S. marshal for the district of Oregon (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Friday, October 1, 1976, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

SPECIAL ORDER FOR MONDAY—TRIBUTES TO SENATOR SYMINGTON AND SENATOR PHILIP A. HART

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Monday, following the recognition of the Senator from Oklahoma (Mr. BARTLETT) there be a period of not to exceed 2 hours under the control of the two leaders or their designees for the purpose of tributes to Senator SYMINGTON and Senator PHILIP A. HART.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR GARY HART ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that one order for the recognition of a Senator, Mr. GARY HART, be added to the list of orders for Monday, and that his order appear at the end, and that it be for the purpose only of making a statement on any of various and sundry subjects.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL HELD AT DESK—H.R. 4583

Mr. GRIFFIN. Mr. President, I ask that a message from the House on H.R. 4583 be held at the desk pending further disposition on it.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I do not expect any more rollcall votes today.

ORDER TO PRINT CONFERENCE REPORT—S. 3419

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the conference report filed today on S. 3419, the toxic substance bill, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 10 A.M., MONDAY, SEPTEMBER 27, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 10 a.m. Monday, next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR BARTLETT ON MONDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that prior to the recognition of Mr. GRIFFIN on Monday, Mr. BARTLETT be recognized for not to exceed 15 minutes for the purpose only of making a statement. It would not necessarily be with respect to the tributes. The order was handed to me earlier, and I had forgotten to request the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. I yield.

Mr. ALLEN. It is the understanding that these will be speeches only, remarks only, and that no resolutions, bills, or conference reports will be called up during this time?

Mr. ROBERT C. BYRD. That is true with respect to all of the Senators I have named in connection with the tributes. I merely named Senators so they would have control of the time on that date. But I had a previous request from Mr. BARTLETT for 15 minutes for that morning and I do not know what he wants to use his 15 minutes for. Perhaps the assistant minority leader would know.

Mr. GRIFFIN. I do not know.

Mr. ALLEN. I would want that same limitation put on that one as well. I do not believe he has in mind offering any resolutions or bills.

Mr. GRIFFIN. I believe that is all right.

Mr. ALLEN. That would be understood, then?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. And at the conclusion of these remarks we would either recess until 12 noon or get on the unfinished business, is that correct? Automatically, the unfinished business would come down.

Mr. ROBERT C. BYRD. I am just thinking. Yes, we will do one or the other.

Mr. ALLEN. I have no objection.

Mr. GRIFFIN. Will the distinguished acting majority leader yield for a comment?

Mr. ROBERT C. BYRD. Yes.

Mr. GRIFFIN. I think the notice that is being given of the opportunity to pay tribute to Senator SYMINGTON and Senator HART on Monday is very fine. Perhaps the acting majority leader might want to indicate that we have in mind setting aside time for tributes to other Senators on Tuesday and Wednesday.

Senator FANNIN and Senator FONG will be on Tuesday and Senator HRUSKA and Senator HUGH SCOTT will be on Wednesday, as I understand. Although a convening hour has not been established, I know the acting majority leader will provide the body as quickly as possible with that so the Senators will be aware of the times.

SPECIAL ORDERS FOR TUESDAY—TRIBUTES TO SENATOR FANNIN AND SENATOR FONG

Mr. ROBERT C. BYRD. Mr. President, without setting a convening hour, as the distinguished assistant Republican leader has said, for Tuesday and Wednesday, I ask unanimous consent that on Tuesday there be a period of not to exceed 2 hours under the control of the two leaders or their designees for the purpose of tributes to Senator FANNIN and Senator FONG.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, Senators will be recognized under the same understanding: that it would be merely for tributes only, and that would also apply to the time released to the other Senators, that same prohibition; is that not correct?

Mr. ROBERT C. BYRD. Well, it would be for the purpose of stating tributes only. Between now and Tuesday other Senators may want to come in.

Mr. ALLEN. I understand that; but what I mean is that if time is released to other Senators, they would be limited in the same way, to tributes, would they not?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I thank the Senator.

Mr. ROBERT C. BYRD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDERS FOR WEDNESDAY—TRIBUTES TO SENATOR HRUSKA AND SENATOR HUGH SCOTT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that on Wednesday, without at this time indicating a convening hour—it will be early on both days, but I am not sure at the moment how early—that on Wednesday, there be a period of not to exceed 2 hours under the control of the two leaders or their designees for the purpose of tribute to Senator HRUSKA and Senator HUGH SCOTT.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROSINA C. BELTRAN

Mr. JACKSON. Mr. President, will the Senator yield?

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Washington.

Mr. JACKSON. Mr. President, I call up H.R. 4583, and ask for its immediate consideration.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 4583) for the relief of Rosina C. Beltran.

The PRESIDING OFFICER. Without objection, the bill will be considered as having been read twice, and the Senate will proceed to its consideration.

Mr. JACKSON. Mr. President, this is private legislation involving a most meritorious immigration case.

The beneficiary of the bill is a 46-year-old native and citizen of the Philippines who entered the United States on April 5, 1972, with two of her children to care for the three children of her sister who was suffering from terminal cancer and died June 18, 1972. The children are now 14, 10, and 6 years of age. The beneficiary was appointed as guardian of her sister's children and administratix of the estate. Her husband and her four other children were paroled into the United States on March 17, 1973 for humanitarian reasons. The beneficiary's mother was a lawful permanent resident alien who would have been eligible for naturalization in 1976, at which time she would have been able to petition on behalf of Mrs. Beltran had she not passed away before that time. The Immigration and Naturalization Service has stated that there is no administrative remedy available to her by which she might adjust her status.

The purpose of the bill is to grant the status of permanent residence in the United States to Mrs. Rosina Beltran.

Mr. President, this bill passed the Senate previously in the last session. The House of Representatives has now passed it. There is unanimous agreement on the merits of the case, and I urge its passage.

The bill was ordered to a third reading, read the third time, and passed.

Mr. JACKSON. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BILL PLACED ON CALENDAR—H.R. 13615

Mr. ROBERT C. BYRD. Mr. President, I make this request on behalf of the Senator from Hawaii (Mr. INOUYE). I ask unanimous consent that H.R. 13615, an act to amend the Central Intelligence Agency Retirement Act, reported today, not be referred to the Committee on Appropriations as required by section 401 of the Budget Act but be placed on the calendar. This request is being made because the Committee on Appropriations has already considered the bill and has appropriated funds contingent upon this authorization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to meet on September 27 to consider a nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet on September 28 to consider several nominations; that the Subcommittee on Multinational Corporations of the Committee on Foreign Relations be authorized to meet on September 27 concerning the Grumman Corp.; that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet on September 29 and 30 on the role of U.S. corporations in South Africa; and that the Committee on Labor and Public Welfare be authorized to meet on September 29——

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. And that the Committee on Labor and Public Welfare be authorized to meet on September 29 on Women and Alcohol.

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, as I understand it, these authorizations for meetings are limited to the matters referred to in the unanimous-consent agreement.

Mr. ROBERT C. BYRD. That is correct.

Mr. ALLEN. And it is not proper to consider other matters.

Mr. ROBERT C. BYRD. That is my understanding.

Mr. ALLEN. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. ROBERT C. BYRD. I yield to the distinguished Senator from Alabama.

UNANIMOUS-CONSENT REQUEST—H.R. 13955

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the pending business be set aside and that the bill H.R. 13955, an act to provide for amendment of the Bretton Woods Agreements Act, and for other purposes, be called up for final action at this time and the time for debate on the bill and individual amendments thereto offered by Senators HELMS, GRIFFIN, and STEVENSON be limited to 10 minutes with time divided equally between the chairman of the Committee on Foreign Relations and the senior Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. Mr. President, reserving the right to object, and I shall not object, I prefer the request be limited not to set this bill aside that is under cloture, but that unanimous consent be given for the consideration of this bill and not set the bill aside even temporarily.

Mr. SPARKMAN. Mr. President, I withdraw the request at this time.

Mr. ALLEN. No; go ahead. All I am asking is that it be restated.

Mr. SPARKMAN. I have just been informed that the Committee on the Budget has not completed clearance yet.

Therefore, I withdraw the request.

The PRESIDING OFFICER. The request is withdrawn.

UNANIMOUS-CONSENT REQUEST—S. 796

Mr. ROBERT C. BYRD. Mr. President, I have been asked by Mr. KENNEDY to send to the desk a resolution requesting a budget waiver on S. 796, to amend the Administrative Procedure Act, and I ask unanimous consent that it be referred to the Committee on the Budget for action.

The PRESIDING OFFICER. Is there objection?

Mr. ALLEN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROBERT C. BYRD. Does the Senator object to my sending the resolution to the desk or does he object to the referral, or both?

Mr. ALLEN. I object to any action on the resolution.

The PRESIDING OFFICER. Objection is heard.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following Calendar numbers: No. 1199, No. 1203, No. 1206, No. 1226, and No. 1234—all of which have been cleared on both sides.

Mr. DURKIN. Mr. President, reserving the right to object, I would like to check what they are.

Mr. ROBERT C. BYRD. Let me take them up one at a time. Perhaps that would be better for the Senator.

MALPRACTICE PROTECTION FOR DEFENSE AND OTHER PERSONNEL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1199.

The PRESIDING OFFICER. The bill will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3954) to amend title 10 of the United States Code, to provide for an exclusive remedy against the United States in suits based upon medical malpractice on the part of military or civilian medical personnel of the armed forces, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Armed Services with an amendment to strike out all after the enacting clause and insert the following:

That (a) chapter 55 of title 10, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 1089. Defense of certain suits arising out of medical malpractice

"(a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28 for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the armed forces, the Department of Defense, or the Central Intelligence Agency in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of his duties or employment therein or therefor shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) whose act or omission gave rise to such action or proceeding.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the head of the agency concerned to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States attorney for the district embracing the place wherein the action or proceeding is brought, to the Attorney General and to the head of the agency concerned.

"(c) Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28 and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on the merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28 shall not apply to any cause of action arising out of a negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations).

"(f) The head of the agency concerned or his designee may, to the extent that he or his designee deems appropriate, hold harmless or provide liability insurance for any person described in subsection (a) for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 1346 (b) of title 28, for such damage or injury.

"(g) In this section, 'head of the agency concerned' means—

"(1) the Director of Central Intelligence, in the case of an employee of the Central Intelligence Agency;

"(2) the Secretary of Transportation, in the case of a member or employee of the Coast Guard when it is not operating as a service in the Navy; and

"(3) the Secretary of Defense in all other cases.".

(b) The table of sections at the beginning of such chapter 55 is amended by adding at the end thereof the following:

"1089. Defense of certain suits arising out of medical malpractice.".

SEC. 2. (a) The Congress finds—

(1) that the Army National Guard and the Air National Guard are critical components of the defense posture of the United States;

(2) that a medical capability is essential to the performance of the mission of the National Guard when in Federal service;

(3) that the current medical malpractice crisis poses a serious threat to the availability of sufficient medical personnel for the National Guard; and

(4) that in order to insure that such medical personnel will continue to be available to the National Guard, it is necessary for the Federal Government to assume responsibility for the payment of malpractice claims made against such personnel arising out of actions or omissions on the part of such personnel while they are performing certain training exercises.

(b) Chapter 3 of title 32, United States Code, is amended by adding at the end thereof a new section as follows:

"§ 334. Payment of malpractice liability of National Guard medical personnel

(a) Upon the final disposition of any claim for damages for personal injury, including deaths, caused by the negligent or wrongful act or omission of any medical personnel of the National Guard in furnishing medical care or treatment while acting within the scope of his duties for the National Guard during a training exercise, the liability of such medical personnel for any costs, settlement, or judgment shall become, subject to the provisions of this section, the liability of the United States and shall be payable under the provisions of section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a), or out of funds appropriated for the payment of such liability.

"(b) The liability for any claim for damages under this section against any medical personnel shall become the liability of the United States only to the extent that the liability of such medical personnel is not covered by insurance, and such liability shall not constitute coinsurance for any purpose.

"(c) Liability of the United States for damages against any medical personnel referred to in subsection (a) shall be subject to the condition that the medical personnel against whom any claim for such damages is made shall—

"(1) promptly notify the Attorney General of the claim, and in case of any civil action or proceeding brought in any court against any such personnel, deliver all process served upon such personnel (or an attested true copy thereof) to the immediate superior of such personnel or to such other person designated by the appropriate Adjutant General to receive such papers, who shall promptly transmit such papers to the Attorney General.

"(2) furnish to the Attorney General such other information and documents as the Attorney General may request, and

"(3) comply with the instruction of the Attorney General relative to the find disposition of a claim for damages.

"(d) The liability of the United States under this section shall also be subject to the condition that the settlement of any claim described in subsection (a) of this section be approved by the Attorney General prior to its finalization.

"(e) The provisions of this section shall not apply in the case of any claim for damages against any medical personnel settled under the provisions of section 715 of title 32.

"(f) As used in this section, the term—

"(1) 'Medical personnel' means any physician, dentist, nurse, pharmacist, paramedical, or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Army National Guard or the Air National Guard.

"(2) 'Training exercise' means training or duty performed by medical personnel under section 316, 502, 503, 504, or 505 of this title or under any other provision of law for which such personnel are entitled to or has waived pay under section 206 of title 37.

"(3) 'Final disposition' means—

"(A) a final judgement of any court from which the Attorney General decides there will be no appeal,

"(B) the settlement of any claim, or

"(C) a determination at any stage of a claim for damages in favor of a medical personnel and from which determination no appeal can be made.

"(4) 'Settlement' means any compromise of a claim for damages which is agreed to by the claimant and approved by the Attorney General prior to its finalization.

"(5) 'Costs' includes any costs which are taxed by any court against any medical personnel, normal litigation expenses, attorney's fees incurred by any medical personnel, and such interest as any medical personnel may be obligated to pay by any court order or by statute.

"(6) 'Claim for damages' means any claim or any legal or administrative action in connection with any claim described in subsection (a) of this section.

"(7) 'Attorney General' means the Attorney General of the United States.".

(c) The table of sections at the beginning of such chapter 3 is amended by adding at the end thereof the following:

"334. Payment of malpractice liability of National Guard medical personnel.".

SEC. 3. Title III of the National Aeronautics and Space Act of 1958, as amended, is amended by redesignating section 307 as 308 and by inserting after section 306 a new section 307 as follows:

"DEFENSE OF CERTAIN MALPRACTICE AND NEGLIGENCE SUITS

"SEC. 307. (a) The remedy against the United States provided by sections 1346(b) and 2672 of title 28, United States Code, for damages for personal injury, including death, caused by the negligent or wrongful act or omission of any physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (including medical and dental technicians, nursing assistants, and therapists) of the Administration in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of his duties or employment therein or therefor shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel (or the estate of such person) whose act or omission gave rise to such action or proceeding.

"(b) The Attorney General shall defend any civil action or proceeding brought in any court against any person referred to in subsection (a) of this section (or the estate of such person) for any such injury. Any such person against whom such civil action or proceeding is brought shall deliver within such time after date of service or knowledge of service as determined by the Attorney General, all process served upon such person or an attested true copy thereof to such person's immediate superior or to whomever was designated by the Administrator to receive such papers and such person shall promptly furnish copies of the pleading and process therein to the United States Attorney for the district embracing the place wherein the proceeding is brought to the Attorney General and to the Administrator.

"(c) Upon a certification by the Attorney General that any person described in subsection (a) was acting in the scope of such person's duties or employment at the time of the incident out of which the suit arose, any such civil action or proceeding commenced in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States of the district and division embracing the place wherein it is pending and the proceeding deemed a tort action brought against the United States under the provisions of title 28, United States Code, and all references thereto. Should a United States district court determine on a hearing on a motion to remand held before a trial on merits that the case so removed is one in which a remedy by suit within the meaning of subsection (a) of this section is not available against the United States, the case shall be remanded to the State court.

"(d) The Attorney General may compromise or settle any claim asserted in such civil action or proceeding in the manner provided in section 2677 of title 28, United States Code, and with the same effect.

"(e) For purposes of this section, the provisions of section 2680(h) of title 28, United States Code, shall not apply to any cause of action arising out of a negligent or wrongful act of omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations).

"(f) The Administrator or his designee may, to the extent that the Administrator or his designee deem appropriate, hold harmless or provide liability insurance for any person described in subsection (a) for damages for personal injury, including death, caused by such person's negligent or wrongful act or omission in the performance of medical, dental, or related health care functions (including clinical studies and investigations) while acting within the scope of such person's duties if such person is assigned to a foreign country or detailed for service with other than a Federal department, agency, or instrumentality or if the circumstances are such as are likely to preclude the remedies of third persons against the United States described in section 2679(b) of title 28, United States Code, for such damage or injury.".

SEC. 4. This Act shall become effective on the date of its enactment and shall apply only to those claims accruing on or after such date of enactment.

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An Act to provide for an excessive remedy against the United States in suits based upon medical malpractice on the part of medical personnel of the armed forces, the Defense Department, the Central Intelligence Agency, and the National Aeronautics and Space Administration, and for other purposes."

CONSIDERATION OF CERTAIN MEASURES ON THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 1203, 1206, 1226, and 1234.

The PRESIDING OFFICER (Mr. HELMS). Is there objection? The Chair hears none, and it is so ordered.

COMDR. EDWARD WHITE RAWLINS

The bill (S. 3819) for the relief of Comdr. Edward White Rawlins, U.S. Navy (retired), was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembeld, That, as recommended by the chief commissioner of the Court of Claims in Rawlins v. United States, 197 Ct. Cl. 972 (1972) Court of Claims Congressional Reference Case Numbered 1-69) and, notwithstanding any other provision of law, Commander Edward White Rawlins, United States Navy (retired) shall be held and considered to have been promoted to the grade of captain on the active list of the Regular Navy as of July 1, 1947, and to have been retired in that grade on June 30, 1955.

SEC. 2. (a) The Secretary of the Treasury shall, out of any funds in the Treasury not otherwise appropriated, pay to Commander Edward White Rawlins, United States Navy (retired), the amount described in subsection (b) of this section. Such amount shall be in full satisfatcion of all claims of the said Commander Rawlins against the United States set forth in the above captioned and referenced case.

(b) The amount to be paid to the said Commander Rawlins pursuant to subsection (a) shall be equal to the difference between (1) the amount the said Commander Rawlins would have received from the Department of the Navy in active duty pay and allowances and retired pay between July 1, 1947, and the day immediately preceding the date of the enactment of this Act had he been promoted to the grade of captain on July 1, 1947, and retired in that grade on June 30, 1955, and (2) the amount of active duty pay and allowances and retired pay he actually received from the Department of the Navy between July 1, 1947, and the day immediately preceding the date of the enactment of this Act.

(c) Effective with respect to any payment of retirement pay made to the said Commander Rawlins on or after the date of enactment of this Act, the Secretary of the Navy shall pay retired pay to the said Commander Rawlins in an amount equal to the amount the said Commander Rawlins would be entitled to receive had he actually been retired in the grade of captain on June 30, 1955.

SEC. 3. No amount in excess of 20 per centum of the amount to be paid to Commander Edward White Rawlins, United States Navy (retired) in accordance with section 2(a) of this Act shall be paid to or recevied by any attorney for services rendered in connection with the claim of the said Commander Rawlins described in such section. Any person who knowingly violates the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be fined an amount not exceeding $1,000.

INTERNATIONAL NAVIGATIONAL RULES ACT OF 1976

The bill (H.R. 5446) to implement the Convention on the International Regulations for Preventing Collisions at Sea, 1972, was considered, ordered to a third reading, read the third time, and passed.

FERNANDO ALVES MACOS

The Senate proceeded to consider the bill (H.R. 8119) for the relief of Fernando Alves Macos, which had been reported from the Committee on the Judiciary with an amendment at the beginning of line 6, strike out "may be approved pursuant to the provisions of section 204 of that Act." and insert "may be approved nothwithstanding the provisions of sections 204(c) and 212(a)(10) of the Act.".

The amendment was agreed to.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DISAPPROVAL OF DEFERRAL OF CERTAIN BUDGET AUTHORITY RELATING TO ROGERS MEMORIAL OR CAPITOL HILL HOSPITAL

The resolution (S. Res. 554) disapproving the deferral of certain budget authority relating to the Rogers Memorial or Capitol Hill Hospital, was considered and agreed to, as follows:

Resolved, That the Senate disapprove the proposed deferral of budget authority for the Rogers Memorial Hospital, which deferral (D76-115) was set forth in the special message transmitted by the President to the Congress on July 28, 1976, under section 1013 of the Impoundment Control Act of 1974.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 94-1300), explaining the purposes of the measure.

There being no objection, the excerpt

was ordered to be printed in the RECORD, as follows:

SUMMARY

This impoundment resolution disapproves the proposed deferral of budget authority in the amount of $4,000,000. It is reported by the Committee on Appropriations to the Senate under the provisions of title X of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 33-334 approved July 12, 1974).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE: HEALTH RESOURCES ADMINISTRATION

Health Resources—Special medical facility

Deferral No.: D76-115.

Date proposed: July 28, 1976.

Available new budget authority	$4,000,000
Available other budget authority	0
Proposed deferral for part of year (scheduled for release)	0
Proposed deferral for entire year	4,000,000

Presidential rationale for proposed referral: The deferral of $4 million for the expansion and modernization of Rogers Memorial Hospital is proposed pending consideration by Congress of a reprogramming request so that all eligible construction projects in the country will have an opportunity to compete for this medical facilities construction financial assistance.

Committee recommendation and rationale: The Committee recommends that this deferral, numbered D76-115, relating to the Rogers Memorial (Capitol Hill) Hospital to be overturned and that the funds be released immediately.

The intent of Congress was very clear when the $4 million allowed for the Capitol Hill Hospital in the Second Supplemental Appropriations bill was agreed to and signed into public law on June 1, 1976 (P.L. 94-303).

These funds will allow the Hospital to develop an emergency care facility which is less than five minutes from Capitol Hill. Specifically, this will be a backup for medical care to Congress staffs, and visitors to the area. The Committee notes that this facility is the key backup unit for health care to the President when he visits Capitol Hill. Further, the General Accounting Office, in its report to the Committee, took into account the lengthy delay in submitting this request to Congress and stated that the deferral was "not timely and did not comply with the requirements of the Impoundment Control Act."

The amount which has already been provided for the Hospital will not contribute to any new beds in this area, but will simply provide updated and expanded coronary care and emergency medical services.

In recommending that this deferral be overturned and that the funds be made available immediately, the Committee reaffirms its support for this project and its continuing interest in the health care available to the residents and visitors to Washington, D.C.

Mr. ROBERT C. BYRD. Mr. President, I move to reconsider en bloc the votes by which the measures were passed.

Mr. GRIFFIN. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, the motion is in order.

The question is on agreeing to the motion.

The motion was agreed to.

AUTHORITY FOR COMMITTEE ON FOREIGN RELATIONS TO FILE REPORTS UNTIL MIDNIGHT TONIGHT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations have until midnight tonight to file committee reports.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BUSINESS LEAGUE

Mr. JAVITS. Mr. President, this afternoon I was to have made a speech before the National Business League, meeting in Washington, composed of a large group of very distinguished businessmen, which was opened yesterday in a legislative town meeting with very distinguished people, including Members of Congress.

The National Business League is an active and established business organization of black Americans, established in 1900 by Booker T. Washington, of Tuskegee Institute, Alabama, fame. Their meeting in Washington coincided with the annual meetings of the congressional Black Caucus, the Media Women, the Operation Big Vote, and several other groups of black Americans. I accepted the invitation, but then, Mr. President, found myself engaged in a meeting of great importance of the Committee on Foreign Relations, which has just ended. That made it impossible for me to appear, as I very much wanted to—indeed, I prepared an address for the purpose—before the very distinguished National Business League, the president of which is Dr. Berkeley G. Burrell.

Mr. President, in order to honor this organization, which dedicated its 76th annual convention in Washington to the Bicentennial of our country, and because of the fact that I could not appear, I ask unanimous consent that the speech that I was to deliver to them may be printed as part of my remarks so that it can be available to their members; that a copy of the letter of invitation to me be printed as part of my remarks; and that sundry statements on the organization, its work, direction, and original inspiration from its founder may be printed as part of my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR JAVITS' INTENDED REMARKS BEFORE THE NATIONAL BUSINESS LEAGUE, FRIDAY, SEPTEMBER 24

I am pleased to join with you in celebration of your 76th year of business endeavors in America's minority and majority communities. Certainly your founder, one of the great black Americans of his era, Booker T. Washington, was endowed with foresight when he established the first business association for the development of black enterprise in 1900. Certainly, were he alive today, he would be elated and proud to observe the many fine actions and activities of the National Business League.

Minority businesspersons, like all men and women of vision and fortitude, continue to be the backbone of our American society. In 1900 when Mr. Washington and others banded together to found your organization, historians indicate that there were 4 black owned banks, 64 drugstores, 2 insurance companies, and several small mining companies, funeral parlors, and other businesses. By 1913, that number had grown to 40,000 businesses owned and effectively operated by men and women of color. I am advised by the Commerce Department that that business growth rate is up, despite the alarming number of black business failures during this period in our economy, and that in the 4 year period between 1969 and 1972, black owned and operated businesses in New York State alone increased by 55 percent and their gross receipts increased by 92 percent.

Yet, despite this commendable growth, I am advised that blacks and other minorities in America—over 15 percent of our population—still own less than 3 percent of the businesses in our country. And, less than 1 percent of the billions of dollars received annually by U.S. businesses is realized by minority firms.

As ranking minority member of the Select Senate Committee on Small Business, I have listened intently to the cases and experiences presented by minority small business persons at hearings, through letters addressed to my attention, and through discussions with my staff and minority business constituents.

Many of the problems called to my attention by minority entrepreneurs are precipitated by factors which cannot be legislated away. Yet, I believe there are legislative and administrative solutions for a great number of the problems brought to my attention. I share your concern, expressed by your president, Dr. Berkeley Burrell, and others, with the development of viable minority business enterprise. And, I think viable is a key word in this phrase, for black businesses have fluctuated throughout the years between growth and non-growth, stability and instability, even when general market and economic conditions for society as a whole have been stable. I view the development of viable black businesses and the establishment of black businesspersons as much more than a contribution to the economic sector of American society. I view this development as a cardinal factor and contribution to American life—through the provision of leadership and positive images, not only for blacks and minorities, but whites and all Americans—in poverty areas, communities, cities, States, and in our Nation and throughout the world.

Our American society has always prided itself on its policy of insuring for all citizens equal opportunity and access to the economic mainstream of our society. This policy of promoting and advocating the integration of the disadvantaged into our system of democratic capitalism and into our economic mainstream has been continuously restated in legislation enacted by the Congress and in executive orders issued by the President and we have sought to exemplify this policy in our business oriented and economic activities on a Federal level. We now have programs in OMBE, the SBA, and over 17 other Government agencies, to assist minority entrepreneurs. Yet, as I stated in 1967 hearings on the SBA's equal opportunity loan program, our legislative and Federal program efforts have been merely a "fly speck on the wall, considering what we are up against. . . ."

Because I have long shared the relief with many of my Senate colleagues that all Americans must be afforded an opportunity for equal access to our free enterprise system, I joined several months ago with my colleague, Senator Edward Brooke of Massachusetts, in the introduction of "The Equal Opportunity Enterprise Act of 1976." We have been joined in sponsorship on that bill by Senators Kennedy, Hart (Mich), and Hollings to date. This Senate bill, the companion legislation to H.R. 12471, introduced by Congressman Parren Mitchell in the House, seeks to alleviate three of the major problems of minority businesspersons—capital formation, marketing, and management and technical assistance. It provides for mandatory subcontracting of government contracts to

minority business, raises loan ceilings and authorizations, revises the 8(a) program, and establishes a committee to study, review, and propose solutions to the SBA on behalf of minority businesspersons.

In 1967 and again in 1971, I introduced a comprehensive program for setting up a domestic development bank and a separate economic opportunity corporation, to provide technical assistance to black businesses and to develop black entrepreneurship. This bill would provide for congressional chartering of a Federal bank similar to the highly successful world bank with broad powers and capability of lending, and investing in underdeveloped intercity and slum economies. In the 95th Congress, I plan to review, revise, and update that bill to reintroduce similar legislation.

During the 94th Congress, I have chaired or co-chaired a series of hearings on the problems of minorities and women in business, especially with reference to Federal Government sponsored programs and in Government contracting. As banking minority member of the Select Committee on Small Business, which assumes legislative jurisdiction over the SBA in January 1977, I plan to continue these oversight hearings and investigations with a view toward proposing additional legislation which will, if successful, alleviate many of these problems of economic discrimination.

My activities to date in the area of minority business enterprise are a result of my belief in a strong economy—my belief in America and my belief in the American people. The activities of the national business league indicate that you share these beliefs. I invite your input, assistance, and support as we continue toward our mutual goals of a strong economy, a fair society, and equal access and opportunity for all citizens in the American economic system.

NATIONAL BUSINESS LEAGUE,
Washington, D.C., September 2, 1976.

Hon. JACOB JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: Under the banner of "Economic Parity—New Spirit of '76", the National Business League, the nation's oldest national business organization, proudly announces the convening of its 76th Annual Convention at the Hyatt Regency Hotel in Washington, D.C., September 22–25, 1976.

On behalf of the Officers and Board of Directors of NBL, I take great pleasure in extending to you this sincere invitation to address the more than one thousand delegates who will join in the bi-centennial celebration of minority business.

The National Business League, founded in 1900 by Dr. Booker T. Washington, is a national federation of individuals, firms and associations engaged in business, trades and professions. Nationwide, through 120 chartered local chapters, representing 37 states and the District of Columbia, and 50 affiliated national organizations, the League has long been recognized as the primary organizational vehicle for minority business men and women.

Our 76th Convention theme reflects NBL's primary thrust for the remainder of this century—eliminating the barriers to broad participation in the economic wealth of the nation. In this bi-centennial year, the League has established the goal of achieving economic parity for Minority America by the year 2000 as its most formidable challenge. Thus this convention will analyze the crippling disparities, identify the resources and develop the short and long range plans for achieving this goal.

It is our earnest hope that you will join in this historic effort by accepting our invitation to participate in a legislative "Town Meeting", which will officially open the Convention on Thursday, September 23, 1976, at 9:00 a.m. We are also inviting Senator J. Bennett Johnston, and Representatives Parren Mitchell and Andy Young to join you on the dais. Additionally, Mr. Clarence Mitchell has agreed to moderate.

This session will explore specific legislative initiatives in the areas of minority business enterprise. It will, therefore, provide a major forum for an enlightened discussion of the bills which you and your colleagues have introduced in this area. Clearly these legislative initiatives have major implications for our constituents.

While we recognize and can appreciate your hectic and demanding schedule, we are nevertheles hopeful that our mission, and the interests of millions of Americans who view the free enterprise system as perhaps their final hope, will guide your decision on joining us in September.

Sincerely,

BERKELEY G. BURRELL,
President.

INTRODUCTION

In 1898, emerging from a shroud of secrecy and a cloak necessitated by the constricting tentacles of racism and bigotry, a secret society of Black merchants and tradesmen made its first public utterance. The "Invincible Sons and Daughters of Commerce," of Indiana, proclaimed: "We believe that race unity, along the avenues of Business and Commerce will open to us all the gateways to true and full-fledged American citizenship."

One year later, the nationally acclaimed educator and business figure, Booker T. Washington, convened what would be the organizational session of the National Negro Business League. Washington responded to what he perceived as an immediate need for greater stimulation of Black business development in drawing a delegation of more than four hundred men and women to Boston, Massachusetts.

That session marked the beginning of nationally organized federations of business people collectively contributing their skills and interests to the protection and promotion of the nation's business and economy.

Seventy-five years later, that organization returns to the city of its founding. Having endured and responded to the needs and demands of an oppressed people, the National Business League has returned to the rudimental philosophies upon which it was founded as it reiterates that initial call for collectiveness of purpose in its theme—"Unity for Economic Parity". NBL began in Boston, dedicated to promoting the financial and commercial development of Blacks and other minorities. It began with the fundamental principle that unity, business and wealth are essential to the development and security of its people.

For posterity, NBL chronicles the strides it has made toward achieving its original mission and to share a legacy and tradition of sacrifice and service that few know in a country whose history has so blatantly ignored those who laid the very cornerstones of this republic and whose labor made free enterprise a reality.

PIONEERING THE AMERICAN MAINSTREAM

In 1961, Luther H. Hodges, then United States Secretary of Commerce wrote to the members of the National Business League: "These are the days in the Nation's history when maximum development of all of the talents of the business community are urgently needed to assure our maintenance and increase in the standard of living for all Americans. This economic expansion of our business potential must be the sum total of the efforts of all segments of our business community. No longer can we afford the luxury of waste of either man power or material if we would make the American image come alive to the developing nations of the world."—League Notes, 1961.

History continually runs its recurring cycle. These words might well have been those of a contemporary figure as easily as they might have been those of the founding fathers of this nation whose faith gave life and birth to a new republic in a land called America.

It was that very philosophy which generated the creative spirit that moved the renowned Booker T. Washington to dream of institutionalizing a national organization of black business persons. His passionate devotion to this goal was founded on the belief that—"The Negro should be integrated into the affairs of the State, the Nation, and the World. He realized that Business and the building of it was basic to the rise of the race. He further knew that the Negro was not in a position to provide the finance to carry forward the needed program. To provide the funds with which to inaugurate the League, he turned to friends and through the philanthropy of Julius Rosenwald, the Rockefeller family and their Standard Oil Company, he founded the National Negro Business League."—*Convention Journal, 1952.*

After having identified these financial resources he circulated the following communique:

"After careful consideration and consultation with prominent colored people throughout the country it has been decided to organize what will be known as a National Negro Business League.

"The need of an organization that will bring the colored people who are engaged in business together for consultation and to secure information and inspiration from each other has long been felt. Out of the national organization it is expected will grow local business leagues that will tend to improve the Negro as a business factor.

"Boston has been selected as the place of meeting because of its historic importance, its cool summer climate and general favorable conditions. It is felt that the rest, recreation and new ideas which business men and women will secure from a trip to Boston will more than repay them for time and money spent.

"The date of the meeting will be Thursday and Friday, August 23 and 24, because it is felt that this is the season when business can be left with least loss. Then, too, nearly all the steamship lines and railroads have reduced their rates to Boston at that time to one fare for the round trip for the entire summer.

"Every individual engaged in business will be enitled to membership, but as far as possible the colored people in all the cities and towns of the country should take steps at once to organize local business leagues, where no such organizations already exist, and should see that these organizations send one or more delegates to represent them.

"It is very important that every line of business that any Negro man or woman is engaged in be represented. This meeting will present a great opportunity for us to show the world what progress we have made in business lines since our freedom.

"This organization is not in opposition to any other now in existence, but is expected to do a distinct work that no other organization now in existence can do as well.

Another circular, giving further information as to programme and other details of the meeting will be issued within a few weeks. All persons, whether men or women, interested in the movement are invited to correspond with, Yours very truly, Booker T. Washington. Tuskegee, Ala. June 15, 1900."

Booker T. Washington enlisted the support and participation of black entrepreneurs from every corner of this nation, and in every city and township where he could identify a black person who was engaged in any form of

enterprise—he identified that as a chapter of NNBL. But his insight demanded that he do something that no other man had done before. He sought to mesh black business with black education. To his friends and fellow black business people he said: I hold that there is no hope for us as a race except that we learn to apply our education in a practical manner to the resources of our country, and to the common activity or the life of the community in which we live. No mere education will help a race except that education be applied to the natural resources and interchange of commodities as represented in such department of life as farming and business."—*Business League Bulletin, 1927*

From the outset, Washington understood the implication of his undertaking. He recounted for the benefit of the large delegation of men and women who returned to the city of Boston for the 16th Annual Convention of National Negro Business League, the advances which they had, as a race of people, achieved since the Emancipation Proclamation. Washington said, in 1862 we had practically no business enterprises in the way of mechandising; at that time among the whole race we had but 2,000 of such enterprises; at the present time we have between 43,000 and 45,000 various business establishments with total volume of trade aggregating approximately one billion dollars." He understood the concept of community spirit when he countered that figure with the warning "We are still a poor race for when you divide this up among the millions of our population it does not represent a very large per capita."—*Marching on Boston—NNBL 15th Anniversary Convention, 1915*

The picture had indeed been significantly more bleak as W.E.B. Dubois had documented in a study on the eve of the founding of the National Negro Business League. By his figures there were: 4 banks and 4 insurance companies who showed collective assets of $270,900. There were 3 savings and loan associations and 12 building and loan associations whose combined assets exceeded $165,000.

This year, two hundred years after blacks set foot on this nation and helped to create the first American enterprise through the trade of their lives into bondage—in Washington's words—"We are still a poor race, for when you divide (that which we have earned) among the millions of our population it does not represent a very large per capita.

In 1975 the federal government documented the existance of 194,000 black businesses. There are 38 black banks who boast $654,940,000 in assets; 45 savings and loan associations with $501,341,515 in total assets; and 39 insurance companies with assets of $531,760,000, and $7,515,240,000 in insurance in force. In that time, NBL has watched the creation of more than 45 major trade, business, and professional associations which have been created to assist black enterprise. Yet, for a 30 million-plus population, the per capita is still not very large.

Only nine men have followed the Founder. Only nine men have followed the path trod by a pioneer who etched an indelible mark on the profile of this nation. His predecessors inherited a distinction that was created by the mammoth shadow which the imaginative genius of Booker T. Washington cast as one said: "The League's work in the past has been most successful, and has moved along more or less inspirational lines that were possible because of the dominating personality of its Founder. We have lost him now, and the time has come for concerted, definite, constructive work, and to realize anything like sucess from our future efforts it appears that we should first decide upon a definite program of action."

The program was born and has flourished under the watchful eye of soldiers and protectors of a legacy who as leaders of the League have held high a torch emblazoned with the words of the Founder: "No people ever got upon its feet and otbained the respect and confidence of the world—which did not lay its foundations in successful business enterprises. Business, commerce and the ownership of property do not embrace all the interests of our people. But one cannot find today a race or a nation that stands erect, secure in the appreciation, respect, and confidence of the world that has not had as its foundation, ownership of the soil, in bank accounts, in habits of thrift and economy and in business enterprise."

THE BUILDER

"Today we must understand that business and government cannot build repressive and protective devices to control or punish the desperate minorities seeking equality without at the same time plunging our free enterprise system into a death struggling gutter surrounded by armed forces where customers can't get in and the businessman can't get out."—Dr. Berkeley G. Burrell—New York—1969.

THE PRESIDENT SPEAKS

Commemorating the Diamond Anniversary of the founding of the National Business League—1975

Each individual who assumes the leadership of this organization, in my opinion takes an unspoken pledge to words spoken in Memorial to Booker T. Washington by Emmet J. Scott who eulogized our Founder saying: "The lighted torch he carried now passes to our hands. The work he did was work for the nation. He was not an unprofitable servant. He gave to his race and to his country all of his physical and mental vigor; he could give no more. The best, the most fruitful years of his life were spent in behalf of his fellows. His life will shine with steady radiance as the years come and go. Let us harken to the call he sounded for brave patriotic service; let us press forward, strong and unafraid, with patience and firm resolve, with the lessons of his devoted life ever before us, to advance the cause for which he was willing to live, for which he was willing to work, and finally for which he was willing to die." Since our ancestors were first bound and chained to these shores in 1619, each generation of Black Americans has been summoned to give testimony to its commitment to freedom and justice. The chronicle of those who have willingly answered that call provides a legacy to which we all pay homage. That tradition is echoed now as a call to arms—a call to bear the burden of a long and desperate struggle against social, political and economic repression.

There are those who cannot bear the burden of a long twilight struggle. They lack confidence in our capacity to survive and succeed. Yet, in the history of our oppressive form of existence, few have been granted the privilege of defending economic justice in its hour of maximum danger. Only through unity and our complete dedication can we spearhead the cause through the troubled years that lie ahead. The challenge is great yet we as black people have learned that as white America succumbs to its problems, Black America seizes that opportunity.

With the torch of economic justice our only sure reward—with history the final judge of our deeds—together we can go forth with the movement toward true parity in every phase of human endeavor. The trumpet has summoned and the weight of its heavy challenge falls squarely on our shoulders. The hour of decision has arrived. We must continue to hold high the torch. We cannot afford to spend idle hours "navel gazing" while the tide of events sweeps over and beyond us. We must use time as a tool not as a couch. We must carve out our own destiny. Today, against one of the most devastating crises to afflict this country in its history, we return to the city of our founding. On the event of the bicentennial celebration of this nation's birth, we commemorate our own renaissance from humble beginnings. We, a people born of an era of bonded slavery and indentured servitude, stand poised on the threshold of producing a plan for the recovery of America from the perils of economic disaster.

Together we mark the unification of the most powerful federation in history dedicated to the economic survival of the country and economic parity for her people. And together we must demand our rightful place among those who hold full citizenship in this democratic system. That is why the disparity between the economic systems of white America and black America must be reconciled within the context of parity.

Why parity? Because: Five per cent of the families in America control nearly ninety-five per cent of the wealth in this country. Because: The percentage of minority occupied housing units that have been classified as substandard triples that of whites. Why? Because black Americans represent thirteen per cent of the population yet collectively account for a meager seven per cent of the total money income. Because: Minorities represent seventeen per cent of the U.S. population, yet account for only four per cent of the more than twelve million business enterprises in this country, and only seven-tenths of one per cent of the total business receipts.

We cannot let the fear of confrontation, nor timidity in attempting what seems to be the impossible, impede our progression toward the true equality that is guaranteed by this country's constitution.

We must set our sights high and equip ourselves with the will to succeed. Booker T. Washington saw 43,000 black businesses gross $1 billion in business receipts in 1915. Sixty years later we documented 194,000 black businesses with a combined gross receipts at $7 billion. It took us sixty years to achieve that goal. And while we struggled to reach $7 billion, majority America was chalking up $2.5 trillion in total receipts for that same year.

This is why we are devoting our attention and expertise at this 75-year mark to the issue of parity. Because in the year 2000—things must be different—and only parity is the answer.

The year 2000—the turn of the century is less than 9,000 days away—and minority America must set its goal. Parity says that as a population, we comprise 17% of the whole and should realize profits and earnings return at that same rate. At its current rate of growth, majority America will gross $5.5 trillion in business receipts in the year 2000. Our share of that figure is $950 billion—and by right it is ours to earn.

To get there we must be involved in multi-billion dollar projects, all which require high equity investment—not small business loans. That is why we must seige our share and make "Unity for Economic Development" a reality and not just a theme.

Every opportunity must be transformed into a strategy of action. We must not wait until the plan is complete we must get into the ground floor. As the government plans its massive money give-aways, we must secure our position in line with our goals. All efforts must point toward parity and the revitalization of our centers of commerce. Our "piece of the traction" must come from the government's plans to restore the bankrupt northeastern railroad system. Our realization of the plan for a National Economic Revitalization Authority to oversee minority involvement in the country's efforts will bring life and rehabilitate the decaying communities which must support commerce. Each of these is an opportunity, and there will be more that

we must draw into our focus to achieve our end.

The challenges we face are far too great and the time far too short for us to delude ourselves into believing that our problems will be solved through rhetoric or misguided individualism. Only through unity of purpose, resources and dollars will we achieve our goal.

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LEWIS H. LATIMER AMONG MINORITIES WHO HELPED MAKE MAJOR U.S. BUSINESSES

While major efforts of the National Business League have always centered on the economic well-being and future growth prospects for minority entrepreneurs, this Diamond Jubilee convention is a fitting time to honor minority engineers, inventors and scientists whose dedicated work helped establish some of the nation's leading, mainstream business and industrial companies.

One such historic figure is Lewis Howard Latimer, son of a runaway Virginia slave. Latimer developed the filament in the lamp bulb invented by Thomas A. Edison. And the lamp bulb led to the founding of the present-day General Electric Company.

For General Electric, the lamp bulb triggered the development of entirely new technologies for the generation and delivery of power which are at the heart of GE's business today. Related efforts also underlie present GE businesses in consumer products as well as in chemicals, plastics, x-ray equipment and medical systems. GE is currently ranked as the sixth largest of the 500 largest U.S. industrial and business companies.

Born in Boston, Latimer's career started shortly after the Civil War. He worked, as a draftsman for a team of patent lawyers, quickly rising to the position of chief draftsman, and he was selected to prepare drawings and patent applications for many inventions including Alexander Graham Bell's telephone.

In 1880, Latimer's work won him a position with the United States Electric Company in Bridgeport, Conn. It was there, working as an engineer, that he developed and patented a valuable process for making the carbon filaments which pre-date Edison's version. He also invented switches and bases for the lamp bulbs, and personally supervised their installation in the first electric lighting systems in New York City, Philadelphia, Montreal and London.

In 1884, Latimer joined the Edison Electric Light Company in New York as a draftsman-engineer, staying long enough to witness the formation of the Edison General Electric Company in 1889. The following year, he wrote what became an authoritative guide for electrical engineers, "Incandescent Electric Lighting—A Practical Description of the Edison System."

In 1892, when the Edison General Electric Company merged with the Thomson-Houston Company, to form the General Electric Company of today, Latimer was part of the legal staff that handled the complex arrangements associated with such mergers and continued the association as a fulltime patent consultant until he left GE in 1911.

The only black man among the original 28 members of the "Edison Pioneers"—men who had been associates of Edison before 1885—Latimer died in 1928 when he was 80 years old.

Latimer was only one of a band of minority professionals whose contributions helped establish many industries. There are others like Norbert Rillieux, the sugar industry; Jan Matzeliger, the shoe industry; Madame C. J. Walker, the hair care industry; and a cadre of scientists, doctors and inventors who developed techniques and discoveries which spawned numerous major medical products and related business organizations.

America's Bicentennial Celebrations, which begin in little more than two months, make honoring these minority pioneers doubly significant. For the Bicentennial Year will showcase hundreds of personalities, ranging from its founders to its foundlings, who contributed to the physical growth, the cultural enrichment, and the economic success that made America great.

THE GOLDEN AGE OF BLACK BUSINESS

During the next seventeen years the men that stood at the helm saw some of the most startling transitions occur in the American scene as it related to the Black populace. The period immediately preceding the Golden Age of Black Business saw several great mass migrations of rural blacks from the South to cities in the North and West, and within the South—from rural areas to urban areas.

These migrations served to create a Black market in many northern cities. These new industrial centers paid higher wages than the black Southern Laborer was accustomed to. Additionally, as a direct consequence of this dramatic increase in the black populations of many of the major cities, black businesses were established to serve these people.

While Black businesses which had been developed in the Post-Civil War era had contributed significantly to both white and black communities, the beginning of the 1920's marked a sharp reversal in that trend. For the first time, the importance of the black market to the survival of Black business was a relatively new phenomenon in the economic equation.

There is increasing evidence of progress, during the twenties, of the pooling of resources in the purchase of entire business blocks in strategic locations in cities across the country. This was the genesis of what some writers have called "Main Street" of the black community, involving a cluster of black businesses—primarily retail and service shops but also included the city's bank, savings and loan, insurance company, newspaper offices, and in some instances manufacturing facilities.

After the first World War, black disenchantment found expression in a new movement. Marcus Garvey's Back-to-Africa movement meshed interesting philosophies. He stressed economic self-sufficiency for blacks,

culminating in the establishing of their own retail, distribution and production outlets; while appealing to race pride and an appreciation of the virtues of the rich African heritage of Black Americans. He had grand designs for a Black economy and started the Black Star Line (Black steamship company) and the Universal Improvement Corporation as examples.

During this period, the National Negro Business League continued to grow in total numbers and in influence throughout the nation. In line with this development—the United States government assigned organization officers to key positions. Emmett J. Scott, NNBL Secretary was appointed special assistant to the Secretary of War, in a move interpreted to allay suspicions and unrest among troops and among the civilian population at home. NNBL President Robert Morton, was appointed to do morale work among black troops serving in France.

THE CRASH

By the end of the Golden Era of the 20's, growth and development was reaching its peak at about the time of the stock market crash of 1929. Just as black people were beginning to capture "the capitalistic dream" and move ahead, especially the middle classes who had accumulated enough to invest in stocks, the crash came.

A survey of black business conducted by the National Negro Business League in 1928 in 33 major cities located in the South and Midwest, and involving 2,817 enterprises showed that these businesses were grouped in a broad range of 28 categories. While these were geared mainly in service categories, a number of indications of progress were apparent. By early 1929, at the height of the country's greatest period of prosperity, there were 80,000 businesses owned and operated by blacks.

The resulting depression that followed the crash was the worst period, economically speaking, in the history of the nation, to that date. All levels of the black population were especially hard hit, along with whites. Black workers either lost their jobs or the luckier ones accepted drastic salary cuts.

Black businesses, especially of the larger more imaginative variety were devastated by the Depression. As the economic distress of the nation deepened, more and more black banks, insurance companies, and commercial establishments failed or were liquidated. Those businesses which were lucky enough to survive had to drastically cut their staffs and work forces. Thirteen banks alone failed during that period, many having been organized as early as 1907, 1908, 1913, and 1919. Since the vast working class was the largest single source of support for black banks, the losses resulting from these failures fell heaviest upon them. It was indeed paradoxical that the leadership who served NNBL so valiantly as its president during this era was the stalwart, C. C. Spaulding of N.C. Mutual Insurance Company.

THE FORTIES

The probability of success or the possibility of failure is an inherent phenomenon that is part and parcel of the private enterprise system. The true entrepreneur is resilient.

Many black communities turned to "Buy Black", "Support Your Own" programs and drives. Partially resulting from such programs, and spurred by other factors, the local numbers of black businesses in operation, even during the depression, continued to increase—with an emphasis upon smaller ventures. By 1930 there were 103,872 black businesses in operation.

With the election of Franklin D. Roosevelt and the greatly expanded role carved out during his administration for the federal government, a new era dawned. The Works Progress Administration employed over a million blacks, including many writers, actors and musicians, under projects set up in New York and other big cities. Other New Deal programs included: The National Recovery Act (authorizing codes for certain industries, regulating minimum wages, maximum working hours); The Agriculture Adjustment Act, the Bankhead-Jones Farm Tenant Act and the Farmer Security Administration Program. A standout was the Wagner Labor Relations Act under which unskilled workers, many of whom were black and who had long been excluded from the highly selective craft unions of the A.F. of L., turned to the CIO for membership and representation. The latter organization was founded on the theory that all workers in a particular industry—should belong to the same union crossing various craft lines. The CIO welcomed blacks into its ranks and by 1940 had an estimated 210,000 black membership. Many of them had achieved new skills and mastered new crafts and assumed leading roles in these unions.

At the same time, the total number of black businesses decreased to 87,475 in 1940—marking a 16% decrease since 1930. Trade categories showed the biggest decline where: Retail merchants dropped from 28,000 to 17,000; Barbers and hairdressers from 34,000 to 28,000. The greatest increases were bankers and brokers rising from the depression catastrophe total of 267 to 907, by 1940; undertakers from 2,946 to 3,415; and restaurant owners from 10,543 to 11,263. The National Negro Business League saw a progression of new leaders.

THE PRESIDENTS—SERVANTS TO A LEGACY

In a series of lectures in 1969, the tenth president of the National Business League, Dr. Berkeley G. Burrell, chronicled milestone after milestone in recapturing the historical development of black business. He shared these thoughts with a group of students on Fisk University's campus, and until now had preserved them for future generations in the archives of NBL. But, because this document represents the first major contribution of the National Business League to the bicentennial commemoration of the birth of this nation, we have attempted to incorporate those facts in the historical documentation of business ventures fostered by black persons since the earliest centuries. The following is a personal account of the landmark developments of black business and the NBL Presidents who served during those periods. If we accept the philosophy of many historians we will support the notion that history repeats itself. That theory would also encourage us to believe that the black businessman in 20th century America is destined to reclaim a great past of commercial dominance because it has been destiny to evolve from merchant to merchandise and now toward the full swing back to merchant.

THE HISTORIC BACK DROP

The beginning of this cycle pre-dated Booker T. Washington and even the birth of America. During the early Christian Era, blacks were scattered throughout the four corners of the world and for many centuries, black merchants traded with India, China, and Europe. By the beginning of the Islamic Era, black people were moving into traditionally "white" countries both as professionals and business people, as well as slaves. It was also during this Era that three powerful black states—Ghana, Mali, and Songhay—emerged in the western Sudan. Their collective power and wealth accrued from trans-Saharan trade and profoundly influenced civilization at that time. The wide diversity of these west African tribes reflected the complex socio-economic systems of their governments. While agriculture was the basis of the economic life, specialized tradesmen were abundant. Each tribe has its own corps of craftsmen, whose skill in textile weaving, pottery, woodworking, and metallurgy would later be used in the Western Hemisphere.

At the same time, states in Western Europe were witnessing the disintegration of their feudal systems, accelerated by the shift in commerce in the 15th century from the Mediterranean to the Atlantic seacoast. This period was later known as the Commercial Revolution where new goods were introduced into the European market. The increased need for raw materials led to the exploration and cultivation of the New World and a pressing demand for a cheap and plentiful source of labor. Thus, the institution of slavery and the slave trade became a tragic consequence of the Commercial Revolution.

They turned to the black tribesmen of West Africa, who had once dominated their own commercial empires and transformed them into the human chattel of the infamous slave trade. Blacks thus helped to raise the curtain on economic life in the new world and were destined to play an ever greater role in the exploitation of its resources—once here and tied to a lifetime status of slavery. The years of servitude which followed in which black labor fueled the American Economy were later to provide the basis upon which black entrepreneurship would make itself felt in that same economy. The saga of the black man continued from merchant to merchandise to merchants. . . .

As the centuries wore on, the American colonialists themselves found out what it was like to live under prohibitive laws. England's new colonial policy threatened the economic and political freedom which they had enjoyed for generations. And thus the background of the American Revolution was one of history's greatest paradoxes; A colony with a half-million slaves went to war to support "the equality of all men and the unalienable rights of life, liberty and the pursuit of happiness." Having inched one step upward toward self-respect, the Black man in the North and South struggled to secure for himself a measure of economic independence in a still pervading atmosphere of subordination, subservience, and disrespect. Yet, the stage had been set for a new beginning to the black entrepreneurial effort.

The career of the earliest known black businessman in America even pre-dates the American Revolution. His name was Emanuel Bernoon an emancipated slave who had bought freedom from Gabriel Bernoon of Providence, Rhode Island. Contemporary accounts state that he opened a catering service in Providence, then the first ale and oyster house in that city.

Among the free blacks who sought economic independence in the post-Revolution period, Paul Cuffe was one of the most outstanding. Born in New Bedford, Massachusetts, a town deriving its livelihood from the sea. He excelled in navigation and mathematics. At the age of 21, in 1780, he built his own ship. By 1817, at his death, he held an estate of over $20,000 and a shipping empire of unparalleled esteem. A counterpart of Cuffe's in Philadelphia, James Forten was a Revolutionary War veteran and was one of the first blacks to amass a fortune as a sail manufacturer. And the chronicle of improbable achievements went on:

Henry Boyd—Black Cincinnati cabinetmaker and furniture manufacturer.

William Alexander Leidesdorff—Black import-export tycoon.

Barney Ford—Hotel entrepreneur.

Lunsford Lane—tobacconist and general merchandiser.

John C. Stanley—prosperous North Carolina barber who used wealth to invest in plantations and purchase freedom for slaves.

William Wormley—Owned the largest livery stable in Washington, D.C. in 1830.

Thomy Lafon—New Orleans entrepreneur amassed more than a half million dollars by 1860 as a cotton broker and sugar plantation-owner.

The list went on with blacks moving into careers formerly held only by white Americans. Yet the period between the mid 1800's and the turn of the century was one of few notable successes in permanency of profit. Nonetheless, their pioneering economic ventures in banking and savings and loan institutions along with a marked increase in numbers of blacks hired by other firms, set the stage for the promise of the 20th century.

RESURGENCE OF BLACK BUSINESS GROWTH

When Booker T. Washington founded the National Negro Business League in 1900, blacks had begun to show startling gains on a broader base. Three separate studies bore statistical proof to this claim. The U.S. Bureau of Census statistics, a private study by Atlanta University under the direction of Dr. W. E. B. Dubois, and a third report under the auspices of the United States Commission to the Paris Exposition of 1900, headed by Andrew F. Hilyer of Washington, D.C.—documented the fact that blacks were listed in every type of business designated in the census schedules of the period.

Even then there were black industrial giants who served as models for the nation, and generated other businesses. The Coleman Cotton Mills were established in Concord, North Carolina in 1896 by seven black men including R. B. Fitzgerald of Durham—President, E. A. Johnson—Vice President, and W. C. Coleman—Secretary/Treasurer. The capitalization was $100,000 and the plant hired 250 black people and consisted of a huge three story brick building with power facilities and adjacent structures and grounds. From this mill and the efforts of a black master mechanic employed there, a Woolen Mill capitalized at $250,000 was established in 1901.

In the twenty years that followed, the National Negro Business League enjoyed the leadership of its first two Presidents.

THE FABULOUS FIFTIES AND SIZZLING SIXTIES

A recognition began to awaken in some circles in this country during this period. It became more apparent that a country which was to play the role of world leadership, should demand that democracy be practiced at home and that minorities indeed deserved the right to equality of opportunity. The New period was characterized by civil rights struggles and advances. In a series of decisions, the United States Supreme Court struck down segregation in area after area of our national life, carrying with it edicts against discrimination. Their implementation continues to haunt an unwilling nation.

This twenty-year period was characterized by a revolution among black people generally. The Civil Rights movement developed dramatic and bold new techniques to achieve goals sought over the entire period following Emancipation. A sense of urgency consumed black people and they began to pressure for change.

New organizations came into being and new leadership emerged across the country: Dr. Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), the Congress of Racial Equality (CORE), the Student Non-Violent Coordinating Committee (SNCC). With these came new techniques adapted to the struggle: the bus and store boycotts, the Freedom rides, the sit-in, wade-in, the mass march. In 1963, the Centennial year of the Emancipation Proclamation, activity, ferment, protest, and pressure came to a peak. During this period of emphasis on integration, the black businessman and business community were faced with the horns of dilemma. Many of their businesses had been built under the protection of segregation in a limited black economy, constricted in a relatively few fields of endeavor, and by artificial barriers created by racial segregation patterns. They were fearful that with mass desegregation they might be integrated right out of business. Yet the businessman was sensitive to the long-range goals of the black community and the aspiration of full-citizenship.

The off-shoots of this movement were also reflected in the activities of national Black organizations. Following the insistent demands of its constituency, the National Negro Business League dropped "Negro" from its title and became the National Business League in 1956. This denoted outward recognition of its already established policy of serving the interests of all minority businessmen.

The Small Business Administration was established in 1958 as the result of pressure by white and black small business interests and the NBL constituency.

Community economic development became the watchword and the government responded with social program after program to answer the needs of economic survival. The Office of Economic Opportunity and Model Cities were two such efforts. At the same time black self-help programs emerged with community support like Dr. Thomas Mathew's National Economic Growth and Reconstruction Organization and with the help of the church Rev. Jesse Jackson's Operation Breadbasket and Rev. Leon Sullivan's Opportunities Industrialization Center to Shape.

THE SEVENTIES—TOWARD THE YEAR 2000

History has proven one prevailing truth. A business cannot survive without a healthy economic environment—that is an environment with an adequate supply of capital for the purchase of goods and services, the investment in business enterprise and the expansion of manpower and plant capacity.

As a group, Blacks represent only 13 percent of the total population of this country. In 1970 we accounted for a meager 6.5 percent of the total money income. We are again shackled with one of the most devastating economic crises in the history of the nation. Economic advisors fluctuate between the admission of repression and depression while black business people are mired in what appears to be certain death. Census Bureau statistics record the existence of 194,000 black businesses in 1975. Of that total, 163,000 or nearly eighty-four percent recorded gross receipts of only $13,000. At the same time, the relationship of these firms to total business activity has not changed significantly since 1969, when the entire minority business community accounted for only 0.7 percent of the receipts for all business firms.

Today, sixty-four percent of all minority business firms are concentrated in retail trade and selected services; ninety-four percent operate as sole proprietorships; and most are located in depressed inner-city communities where overall unemployment doubles the national average, and unemployment among teenagers frequently exceeds forty percent. The President of the United States, Gerald R. Ford wrote earlier this year.

"The urban crisis is not a single problem. It is a complex of problems, a poisonous brew concocted from all the major ills of our nation—rampant crime, inadequate educational systems, hard-core unemployment, shockingly dangerous pollution of air and water, antiquated transportation, disgraceful housing, insufficient and ineffective public facilities, deterioration of the family as a unit, lack of equal opportunity for all Americans, and an explosive failure of communication between young and older Americans, Negroes and Whites. All of these problems cry out for immediate action. The question: who does what and how?"

The National Business League answered and America is looking to this organization and its leadership. To the nation NBL said: "It is the uneconomic environment of our communities that short circuits the potential of our business ventures. What we need is a full-scale assault potential of our business ventures. What we need is a full-scale assault that addresses the larger issue of total economic development, parity for the people, and revitalization of American centers of commerce.

[From the official publication of the National Business League founded in 1900 by Booker T. Washington]

NATIONAL MEMO

BOLTON SET TO HEAD MINORITY BUSINESS RESOURCE CENTER

Kenneth E. Bolton, a former HUD administrator, was sworn in as Executive Director of the Minority Railroad Resource Center on June 7, thus paving the way for implementation of the Center's mandate to ensure minority participation in the multi-billion dollar railroad program. Operation of the Center, authorized by Title IX of the Railroad Revitalization and Regulatory Reform Act of 1976, had been thwarted for more than four months by administrative delays in the U.S. Department of Transportation.

Following swearing-in ceremonies at the Department, NBL President, Berkeley G. Burrell, urged speedy activation of the Center, and warned against any further administrative delays. He noted that the minority sector job producing and business expansion activities contemplated by the Act will be lost unless the Department uses "extraordinary measures" to place the Center into operation by September 30, the end of the current fiscal year.

Said Burrell: "We are concerned that the economic benefits and opportunities that should flow to minority communities may not be realized this year. By fiscal year '77 it will be too late because the major contract and procurement commitments will have been made." He added that no manner of administrative delay can be allowed to circumvent the clear legislative intent of the Congress when it created the Center.

The National Business League, in conjunction with numerous citizen groups and trade associations, had argued persuasively for the creation of a minority resource center to channel some of the billions of dollars authorized in the railroad revitalization effort into minority communities. As envisioned by these groups, the Center is expected to stimulate multi-million dollar activity in Minority America's economy, providing contracts, creating individual job opportunities, and producing incentives for investment.

Specificially, the Center is expected to support minorities in their effort to become a major supplier of goods and services to the railroad industry. These goods include the manufacturing of hardware components, spare parts, and capital equipment; all facets of construction, from grading and hauling to the new construction of bridges, tunnels and terminals; and a wide range of services in the areas of architectural and engineering work, legal, accounting, computer, banking, finance and insurance.

The progress of the Center's activities will be closely scrutinized by NBL, and will constitute one of the major issues at the League's 76th Annual Convention in Washington this fall.

OTHER RAIL NEWS

$1.6 million authorized for railroad resource center

The Second Supplemental Appropriations Bill of 1976 was passed by the Committee on Appropriations and signed by the President on June 1. The Committee has included an appropriation of $1,250,000, which together with the $350,000 in programmed funds which Congress has approved should be ade-

quate to support the programs of the Minority Resource Center during fiscal year 1976 and the transition quarter. The initial budget objectives have been obtained!

Effort to secure $10 million in venture capital and bonding

NBL and a panel of experts in the surety and bonding fields met with Federal Railroad Administration director and representatives from OMBE and SBA regarding the development of a mechanism for leveraging investment capital for business development in the railroad industry. The initial talks developed into a two hour work session that explored existing programs within the federal sector that could be utilized, the need for systems to determine the proper distribution of funds, and generally made substantive headway in developing a comprehensive approach to solving the venture capital and bonding problems. These work sessions will continue until the mechanism is in place.

$1.75 billion northeast corridor rail project

Four architectural/engineering firms have been selected to compete for the design of the $1.75 billion federal project to upgrade rail passenger service between Washington, D.C. and Boston, Massachusetts. NBL intervened in the selection process after the request for capability statements appeared in Commerce Business Daily without any accommodation for minority business participation. The Department of Transportation issued an amendment to the Commerce Business Daily request and subsequently this paragraph appeared in the DOT press release (5/8/76) announcing the selection: "A major role for minority businesses was an important factor in the selection of these firms and will also be important in the final award of the contract for an overall contractor for the upgrading program. Each of the companies selected has described an engineering team that includes a significant role for minority business firms. Opportunities to join these teams are still open for participation by minority or small business contractors. It is expected that many subcontracts will be awarded subsequent to the final selection of one of these companies." The firms are: Bechtel, Inc.; Corridor Rail Consultants—A Consortium; DeLeuw Cather/Parsons Associates—Joint Venture; Tippet, Abbett, McCarthy, and Stratton—Joint Venture.

WILLIAM KENNEDY TO KEYNOTE 76TH ANNUAL AWARDS BANQUET

William J. Kennedy, III, 7th President of the North Carolina Mutual Life Insurance Company, will deliver the keynote Awards Banquet Address at the National Business League's 76th Annual Convention on September 24, 1976. An investment and finance expert, Mr. Kennedy is chief executive officer and Vice Chairman of the Board of Directors of the nation's largest Black insurance company. His background in the insurance industry provides an added dimension to the League's efforts in the economic development field, particularly on the issue of minority economic parity.

Kennedy, who joined North Carolina Mutual in 1950, has moved inexorably to the top of the company and now commands the national influence and acclaim befitting his unique talent. Born in Durham in 1922, Kennedy began his career with North Carolina Mutual as a messenger boy during summer vacation periods. Starting on a full time basis, he was appointed administrative assistant as his first assignment. In the Home Office, he engaged in audits in the Controller's Department and tax accounting in the Finance Department.

As has been the case with many other Home Office representatives of North Carolina Mutual, a life insurance career for Kennedy was a natural. His scholastic and practical training, including two years of U.S. Army service as lieutenant in the Medical Administrative Corps, has enabled him to render invaluable service to his Company in the areas of investments, accounting and office administration.

A graduate of Virginia State College, the University of Pennsylvania and New York University, Kennedy is married to the former Alice C. Copeland. They have one son, William J. Kennedy, IV.

CAUSE OF WOMEN LINKED TO PARITY STRUGGLE

Citing the apparently low priority the Federal Government has assigned to female business development, Mrs. Berkeley G. Burrell, successful entrepreneur and distinguished wife of NBL's tenth President, has urged women across the nation to organize their enormous numbers and join in the fight for economic parity, the League's primary thrust for the remainder of this century. Keynoting the Fourth Annual Awards Banquet of the Memphis Chapter of the National Business League, which attracted a standing room only crowd, Mrs. Burrell remarked: "The parity objective is to eliminate the barriers to broad participation in economic growth. And that, in essence, is the cause of women today. Recognizing this, I can find no more compelling a reason for women to join in the fight for parity that is being waged across this country under the leadership of the nation's oldest national business organization."

A textile and tailoring expert and owner of Burrell's Superb Cleaners, one of the largest and finest dry cleaning plants in the nation's capital, Mrs. Burrell warned an over-flowing crowd in Memphis that no advanced civilization can afford the luxury of keeping its women in bondage. She maintained that if the country is to make full and quick progress now, it is essential that women live on terms of full equality with other citizens who "happen to be men."

Emphasizing that the plight of businesswomen was distinct from the general women's liberation movement, she added: "The struggle of women in business should be viewed within the context of every able-bodied individual being equally allowed to participate in the economic benefits of the world's most industrialized nation."

One of the biggest problems that has hampered women in the past, according to Mrs. Burrell, is their lack of aggressiveness in demanding and protecting their rights. However, she noted a growing awareness of this situation, particularly among the younger segment of the population, and suggested that this new awareness will prove vital to changing the scope and perspective of the women's movement.

She concluded: "It is high time that we women organize and unite behind the parity drive. We are determined to help not only in the fight against poverty and ignorance, but to raise the social, political and economic status, and to make the role of women a more dynamic one, thus enabling us to fulfill more effectively our own needs, those of our families and those of our country."

FROM CAPITOL HILL

Small Business Growth and Job Creation Act

For the past eight months, representatives of the small and minority business communities have been examining the nation's tax structure as it relates to the small business community. For years, small business has maintained that the current tax structure places an unduly harsh burden on the one sector of the economy which accounts for nearly ninety-five percent (95%) of all business enterprises and the problems of the small business community deserves special tax reform treatment which addresses the peculiar problems of small business.

Representatives of the small business community have identified some of the more salient problems confronting this sector, and have recommended specific changes in the tax structure to address them. The Small Business Growth and Job Creation Act of 1976, introduced in the Senate on May 10, 1976, by Senator Gaylord Nelson, embodies the suggestions of eight small business organizations on key tax issues affecting the community. Highlights follow:

Title I—Small Business Independence and Continuation

Adjustment of Holding Periods:

Gain or loss on the sale of a capital asset will be short-term if it is held 1 year or less. If held more than 1 year, gain or loss will be long-term.

Individuals whose taxable income is subject to a tax rate of more than 50% will pay an alternative tax at the following rates on net long-term capital gain up to $50,000.

[In percent]

Holding period:	Tax rate
1 to 5 years	30
5 to 10 years	25
10 years or more	12½

Estate Tax Rates:

The $60,000 estate tax exemption should be increased to $180,000.

Estate tax rates should be as follows:

[In percent]

Taxable estate:		Tax rate
$0-	$50,000	5
50,000-	100,000	10
100,000-	150,000	15
150,000-	200,000	20
200,000-	400,000	25
400,000-	600,000	30
600,000-	1,000,000	35

Gift Tax Rates:

An annual exemption of $9,000 and a lifetime exemption of $90,000 will be allowed in computing the amount of taxable gifts.

Gifts will be taxed at 75% of the estate tax rates proposed above.

Redemptions at Deaths: Distributions may be made by a corporation in redemption of stock to pay death taxes if the value of the stock is either (a) more than 20% of the gross estate, or (b) more than 40% of the taxable estate.

Transfers of Business Interests at Death: The beneficiary may elect to have a business interest included in the decedent's estate for estate tax purposes at the decedent's basis.

Title II—Small Business Growth Incentives

Optional Cash Basis:

Grant every business with an ending inventory of less than $200,000 the option to determine its taxable income on a "cash" basis. Accounts receivable would not be included in income, accounts payable would not be treated as expenses, and the increase in inventory would be included in the Cost of Sales.

For a presently existing business using the accrual basis, the conversion would produce a loss, which would be amortized in equal amounts over a 10 year period.

The maximum ending inventory of $200,000 would be indexed to the cost-of-living.

A taxpayer would lose this "cash" option when its ending inventory exceeded the maximum for two consecutive taxable years.

If a taxpayer voluntarily converts or is required to convert to an "accrual" basis, any income created by the conversion would be amortized over a 10-year period. If there exists any unamortized loss, from a previous conversion to a cash basis, the taxpayer would continue its amortization of such loss.

Any taxpayer who takes this "cash" option and later converts to an accrual basis would not be permitted to reconvert to the "cash" basis until its inventory was less than the maximum for two consecutive years.

Deferred Tax Credit for Unincorporated Businesses:

Allow an unincorporated business the option of computing its tax liability on a portion of its business income, as set forth on Line 13, Schedule SE, Form 1040, at the same rates as are presently applicable to corporations.

The unincorporated business income would be eligible for the alternative tax computation as follows:

(1) Taxable income less an exclusion of 70% of the self-employment income (but not to exceed the taxable income) would be subject to individual income tax rates.

(2) The amount excluded in (1) above would then be taxed at the prevailing corporate income tax rates.

(3) The difference between the tax liability incurred without the alternative tax rate and the liability incurred using the alternative tax rate would become a deferred tax liability. The deferred tax liability would be paid over a 10-year period or upon termination of the business.

(4) Example:

a. Married taxpayer, 2 dependents and itemized deductions of $3,000.

b. Income from business (Schedule C) $35,000.

c. Other non-business income of $1,000.

Graduated Investment Tax Credit:

Percentage of the cost:

(1) Property with a useful life of less than 3 years, the credit would be 0.0%.

(2) Property with a useful life of at least 3 years:

(a) 20% of the cost ranging from $0 to $4,999.

(b) 15% of the cost ranging from $5,000 to $9,999.

(c) (i) 10% of the cost ranging in excess of $9,999 if the property has a useful life of 7 years or more.

(ii) 6⅔% of the cost in excess of $9,999 if the property has a useful life of less than 7 years but 5 years or more.

(iii) 3⅓% of the cost in excess of $9,999 if the property has a useful life of less than 5 years but at least 3 years.

There would be no limitation with respect to used equipment.

If the credit exceeded the taxpayer's income tax liability, the difference would be refunded.

If the taxpayer disposes of the property before it has been held for the expected useful life, the government would recapture all or part of the previously allowed credit the same as it is under the present law.

Adjustments in Subchapter S:

All corporations with 20 or fewer stockholders should be allowed to elect to be taxed under Subchapter S.

The only requirement for this election should be a statement filed by the corporation with its tax return for the year of election and signed by an officer of the corporation to the effect that there are 20 or fewer stockholders and that the stockholders at a duly constituted meeting decided to be taxed under Subchapter S.

After a corporation has made this election, it should not be allowed to revoke it for 5 years without the permission of the Treasury Department.

Job Creation Tax Credit:

Allow a credit against taxes of 50% of wages of new employees added to the number of full-time employees in the preceding tax year. Maximum: 2 employees and $20,000 credit.

Allow a credit against taxes of 50% of wages of additional new employees who are disadvantaged (i.e., employees who have exhausted their unemployment benefits, minorities, mentally or physically handicapped). Maximums: (a) 23 employees or 10% of the full-time employees in prior year, whichever is less, and (b) $60,000 credit.

Adjustment of Depreciation Schedules:

Allow depreciation lives as follows:

(1) 2 years for highway transportation equipment, tools and dies.

(2) 5 years for all other tangible property and lease-hold improvements.

(3) 10 years for real estate.

Title III—Small Business Tax Simplification

Estimated Tax Payments: A corporation may, any time during the taxable year and on or before the 15th of the third month thereafter, file an application for refund of estimated income tax.

Net Operating Loss Adjustments: A net operating loss of a corporation which has been in business 3 years or less may be carried over to the 8 following years.

Increase in Exemption from Accumulated Earnings Tax: The accumulated earnings tax will not be imposed on a corporation which has not accumulated earnings over $500,000.

SBA SAYS MINORITIES SUFFERED LESS

In its fiscal 1975 report, the Small Business Administration maintains that even during the severe economic problems of 1975, the funding levels for 7(a) and Equal Opportunity Loan (EOL) programs, both of which incurred reductions, was not as great a loss to the minority sector as it was to the non-minority sector of the population served by SBA.

According to SBA, 7(a) loans for minorities dropped 3% in dollars and numbers. Minority reduction in the EOL program was 6% less than the Agency as a whole.

SBA STATISTICS

[Fiscal years]

	1975	1974	Percent change
7a loan programs:			
Minority Enterprise (ME)			
Numbers	2,462	2,944	16.3
Millions of dollars	137.2	171.4	19.5
Agency			
Numbers	18,184	21,312	14.7
Millions of dollars	1,247.2	1,489.5	16.2
EOL:			
Minority Enterprise			
Numbers	2,793	3,774	25.9
Millions of dollars	57.8	74.2	22.1
SBA:			
Numbers	3,613	5,290	31.7
Millions of dollars	73.6	104.0	29.2

NEWS IN BRIEF

OMBE Directors to Meet Here

The six Regional Directors of the Office of Minority Business Enterprise (OMBE) will make themselves available to meet personally with their constituents during the 76th Annual Convention in Washington this fall. Working in co-operation with OMBE's National Director, Alex Armendaris, and the National Programs Division, NBL will provide facility space at the Hyatt Regency Washington to allow its convention delegates an opportunity to discuss specific issues with the regional directors.

Small Business Groups Unite

After working together informally for years, four national and four regional small business organizations have come together to form the Council of Small and Independent Business Association (COSIBA). The eight groups include: the National Business League, the National Small Business Association, the National Federation of Independent Businesses, the National Association of Small Business Investment Companies, the Council of Smaller Enterprises, the Smaller Business Association of New England and the Smaller Manufacturers Council. Together, the eight groups represent more than half a million business firms nationwide. Through its coalition efforts, COSIBA hopes to provide a stronger and more effective voice for small business in the nation's capitol.

Advisory Council on Small Business

Noting that the small business community accounts for 55% of the nation's private, non-farm employment, and produces 48% of the gross business product, Treasury Secretary, William E. Simon, has established an Advisory Council on Small Business to advise the Department on small business problems. Secretary Simon, who is also Chairman of President Ford's Economic Policy Board, officially commissioned the Council to allow more personal contact with a cross-section of citizens who know and understand the special problems of small business, and who can help government develop answers to them. NBL President, Dr. Berkeley G. Burrell, has agreed to represent the League on the Council.

900 Acres of Watermelons

The Pine Belt Development Association of Hattiesburg, Mississippi, has cultivated a field of 900 acres of watermelons that is being readied for shipment between June 30 and September 12, 1976. The melons will be shipped to the Midwest region of the country with scheduled stops in Chicago, Cleveland, Dayton, Cincinnati and St. Louis. For information on the shipment, contact: Al Holiday or Ben Burkett, 500D Katie Avenue, Hattiesburg, Miss. 39401, or call (601) 583-3515.

Mr. JAVITS. Mr. President, I hope that, with my having performed these duties, the Members will feel that I have done all I can to make up for the disappointment which I have suffered and which they have suffered from my inability to appear personally today, and in the hope that I may repair this lack in the very near future; also that our colleagues and other people who read the CONGRESSIONAL RECORD, as well as the members of the National Business League, may have this inserted into the CONGRESSIONAL RECORD as a memento of today's occasion of their convention.

Mr. ALLEN. Will the Senator yield?

Mr. JAVITS. I yield.

Mr. ALLEN. The Senator mentioned Booker T. Washington of Tuskegee Institute. He was a great educator and a great leader, not only of his own people, but a leader in the entire country. I believe the Senator will be interested to know that Congress has passed legislation making a certain portion of the Tuskegee campus a national historical site. They have taken over several of the buildings that were built there, on the campus, back at the turn of the century and before. They are buildings that were built on the campus by the students themselves at Tuskegee Institute.

Booker T. Washington started that institute with absolutely no financial backing. He has made it a great institution of higher learning. The institute is recognized throughout the world as a great educational institution. We are proud of it.

Alabama is fortunate to have two schools of veterinary medicine, one of them at Auburn University and the other at Tuskegee Institute. It is a great institution and we are proud of it in Alabama. We are proud of the great work of Booker T. Washington.

One thing I might say: I made a visit to the campus several months ago and it just happened on a convocation of the

faculty there as they started that particular term. They called on me to make a few extemporaneous remarks. I told them of the inspiration that I had had visiting this campus and seeing this fine educational institution grow from literally nothing.

I remembered something that I had read in a book called "Words to Live By," something that Booker T. Washington said that was part of his philosophy of life. He said:

I will allow no man to belittle my soul by making me hate him.

It is such a wonderful sentiment that I called that to the attention of the teachers there. They, of course, were familiar with it, but I think it is a great tribute to this man that that is the way he thought and the way he taught.

He was a man who could "walk with kings and Presidents nor lose the common touch." I appreciate the Senator's remarks about Booker T. Washington.

Mr. JAVITS. I thank the Senator from Alabama and I appreciate his remarks. He helps further to dispel the disappointment which I felt and which my prospective listeners felt when I got so terribly involved in the meeting of the Committee on Foreign Relations.

Mr. ALLEN. I intended to say that, among the other things they are doing down on that campus, the Forestry Division of the Department of the Interior is building a fine visitors' center on the Tuskegee campus.

Mr. JAVITS. I think that is exactly why there is so much significance to this meeting. As Booker Washington founded this 76 years ago, in 1900, this is the 76th Convention. What is so significant to me always with a man like Booker T. Washington is he shows that one can be a great leader, a great cultural figure, and yet follow a business career, be a completely rounded man, and the business does not debase the personality. On the contrary, it often makes it grow and expand.

Mr. ALLEN. The Senator, of course, is well aware that there, at the Tuskegee Institute, George Washington Carver had his brilliant career of service in scientific work.

Mr. JAVITS. That is right.

I thank the Senator from Alabama.

TREATY BETWEEN UNITED STATES AND SPAIN AUTHORIZATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on S. 3557.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 3557) to authorize the appropriation of funds necessary during the fiscal year 1977 to implement the provisions of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976, and for other purposes.

(The amendments of the House are printed in the House proceedings of the RECORD of September 14, 1976.)

Mr. ROBERT C. BYRD. Mr. President, I move that the Senate disagree with the House amendments and ask for a conference with the House, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer (Mr. HELMS) appointed Mr. SPARKMAN, Mr. CHURCH, Mr. SYMINGTON, Mr. CASE, and Mr. JAVITS conferees on the part of the Senate.

AUTHORIZATION FOR CERTAIN ACTION DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Vice President, the President of the Senate pro tempore, and the Acting President pro tempore be authorized to sign all duly enrolled bills and joint resolutions during the adjournment over to Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate be authorized to receive messages from the other body and from the President during the adjournment over to Monday next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TIME FOR TRIBUTES TO SENATORS TO BE CONTROLLED BY THE LEADERSHIP

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time allotted to various Senators on Monday, Tuesday, and Wednesday for the expression of tributes to the retiring Senators, certain retiring Senators, be under the control of the majority and minority leaders or their designees, and that the same length of time be under such control as was accorded to various and sundry Senators under the orders, the reason being that I named several of the Senators without their knowledge and only for the purpose of having a Senator control the time.

The distinguished assistant Republican leader has suggested to me and, I think, very appropriately, that it would be better in this instance to have the time under the control of the leadership rather than naming certain Senators without having apprised them of the fact prior thereto. Ordinarly, the leadership does not control this length of time for special orders. But in view of the fact that these are for a specific purpose and a special purpose, that of expressing tribute, I ask unanimous consent, as I have already done in this instance, to so modify my previous request.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Monday, the Senate will convene, following a recess, at the hour of 10 a.m. After the two leaders or their designees have been recognized under the standing order, the Senator from Oklahoma (Mr. BARTLETT) will be recognized for not to exceed 15 minutes, for the purpose only of making a statement; following which there will be a period of not to exceed 2 hours under the control of the two leaders or their designees for the purpose of tributes to Senator SYMINGTON and Senator PHILIP A. HART; following which the Senator from Colorado (Mr. GARY HART) will be recognized for not to exceed 15 minutes for the purpose only of making a statement.

Following the consummation of the order for recognition of the Senators, the Senate will either stand in recess until 12 o'clock noon, if that hour has not yet been reached, or will resume consideration of the unfinished business. It is possible that a rollcall vote could occur as early as 12:15 p.m. I am in no position to say anything beyond that as to the hour at which a rollcall vote is likely to occur.

I would not assume that anything would occur prior to that hour by way of a rollcall vote.

During the afternoon, I would anticipate rollcall votes, and throughout the week, I anticipate long daily sessions, sessions that begin early and go late, fairly late, very late, the object being to complete our work in time for adjournment sine die on Saturday, October 2, or, hopefully, on Friday, October 1.

How successful will depend upon the progress we make and the progress that is made in the other body in the completion of our work.

On Tuesday, for the benefit of those who may read the RECORD, Tuesday morning tributes will begin early to Senators FANNIN and FONG.

On Wednesday, tributes in the nature of speeches will begin early to retiring Senators HRUSKA and HUGH SCOTT of Pennsylvania, our able minority leader.

Senators will want to keep in mind the necessity of passing the supplemental appropriation bill and a continuing resolution before adjournment. There is a possibility of Presidential vetoes that may require an attempt to override. I believe in the case of the HEW appropriation bill 10 days will expire on Wednesday of next week. I believe in the case of the antitrust legislation the 10 days will expire on Thursday of next week, so Senators will want to govern themselves accordingly.

We hope all Senators will so schedule their time as to be available in the event

an override vote is necessary as late as Friday or Saturday of next week, and in the event that length of time is required to seek final enactment on the necessary appropriation bills, revenue sharing and other measures.

RECESS TO 10 A.M. ON MONDAY, SEPTEMBER 27, 1976

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until the hour of 10 a.m. on Monday.

The motion was agreed to; and at 4:31 p.m., the Senate recessed until Monday, September 27, 1976, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate September 24, 1976:

AGENCY FOR INTERNATIONAL DEVELOPMENT

Eugene N. S. Girard II, of Mississippi, to be an Assistant Administrator of the Agency for International Development, vice Herman Kleine, resigned.

DEPARTMENT OF STATE

Donald R. Norland, of Iowa, a Foreign Service Officer of Class one, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Botswana.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3370:

ARMY NURSE CORPS

To be colonel

Allbritton, Homer J., xxx-xx-xxxx
Collins, Anna L., xxx-xx-xxxx
Cortez, Angelica, xxx-xx-xxxx
Cumberland, Arlene, xxx-xx-xxxx
Daubert, Bertha, xxx-xx-xxxx
Daytner, Nadine, xxx-xx-xxxx
Dulluh, Marly S., xxx-xx-xxxx
Fornes, Virginia H., xxx-xx-xxxx
Gidley, Johanna L., xxx-xx-xxxx
Flebbe, Esther R., xxx-xx-xxxx
Hester, Pauline W., xxx-xx-xxxx
Jones, Olga M., xxx-xx-xxxx
Kamide, Madeline, xxx-xx-xxxx
Kasselman, Mary J., xxx-xx-xxxx
Kulikowski, Edna S., xxx-xx-xxxx
Langston, Mable S., xxx-xx-xxxx
Larsen, Eileen M., xxx-xx-xxxx
Lassett, Joseph, xxx-xx-xxxx
McClelland, Eva, xxx-xx-xxxx
Merlino, Joseph J., xxx-xx-xxxx
Myers, Marguerite C., xxx-xx-xxxx
Ohler, Kenneth G., xxx-xx-xxxx
Patrick, Ralph L., xxx-xx-xxxx
Powell, Ann E., xxx-xx-xxxx
Roth, Mary C., xxx-xx-xxxx
Sagul, Helen M., xxx-xx-xxxx
Salvin, Agatha, xxx-xx-xxxx
Schroeder, M. Y., xxx-xx-xxxx
Sellers, Lois B., xxx-xx-xxxx
Vandever, Louise J., xxx-xx-xxxx
Wargo, Vincent J., xxx-xx-xxxx
Wehmeyer, Lillian E., xxx-xx-xxxx
Williams, Edith P., xxx-xx-xxxx
Zoll, Anna M., xxx-xx-xxxx

DENTAL CORPS

To be colonel

Bascove, Leonard H., xxx-xx-xxxx
Bean, Frank E., xxx-xx-xxxx
Blanch, William H., xxx-xx-xxxx
Bucheger, F. J., xxx-xx-xxxx
Calcote, Jasper D., xxx-xx-xxxx
Coyne, Robert M., xxx-xx-xxxx
Douglas, John H., xxx-xx-xxxx
Edmund, John M., xxx-xx-xxxx
Glotzer, David L., xxx-xx-xxxx
Gores, Robert J., xxx-xx-xxxx
Holt, Reed L., xxx-xx-xxxx
Irick, Harold W., xxx-xx-xxxx
Jacob, Robert I., xxx-xx-xxxx
Johnson, Joseph B., xxx-xx-xxxx
Knight, Robert S., xxx-xx-xxxx
Leppard, James E., xxx-xx-xxxx
Montgomery, Charles, xxx-xx-xxxx
Moseley, Durward L., xxx-xx-xxxx
Mowles, Danny A., xxx-xx-xxxx
Roe, Jere E., xxx-xx-xxxx
Sheperd, John R., xxx-xx-xxxx
Stern, Martin, xxx-xx-xxxx
Stringer, Joseph D., xxx-xx-xxxx
Tracy, Everett A., xxx-xx-xxxx
Warren, Ross W., xxx-xx-xxxx
Young, Eugene W., xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Aarestad, Norman O., xxx-xx-xxxx
Bailey, Bruce H., xxx-xx-xxxx
Barnhart, Roger A., xxx-xx-xxxx
Baxter, James A., xxx-xx-xxxx
Berg, Bruce O., xxx-xx-xxxx
Bonnabeau, R. C., Jr., xxx-xx-xxxx
Briney, William F., xxx-xx-xxxx
Bushey, Robert H., xxx-xx-xxxx
Caddy, Gurney C., xxx-xx-xxxx
Carson, Samuel P., xxx-xx-xxxx
Cavin, Elwyn, xxx-xx-xxxx
Dominy, Dale E., xxx-xx-xxxx
Dunn, Abraham G., Jr., xxx-xx-xxxx
Heefner, Wilson A., xxx-xx-xxxx
Holloman, K. R., xxx-xx-xxxx
Holt, Leslie G., xxx-xx-xxxx
Kelsh, James M., xxx-xx-xxxx
Leon, Arthur S., xxx-xx-xxxx
Littman, John E., xxx-xx-xxxx
MacDonald, Neil A., xxx-xx-xxxx
Martin, Maurice J., xxx-xx-xxxx
Mitschke, John J., xxx-xx-xxxx
Murphy, Paul J., xxx-xx-xxxx
Olson, Ralph A., xxx-xx-xxxx
Sube, Janis, xxx-xx-xxxx
Waldrup, Virgil G., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Barnett, Howard J., xxx-xx-xxxx
Canaris, Albert G., xxx-xx-xxxx
Chisholm, Donald F., xxx-xx-xxxx
Coleman, Gordon C., xxx-xx-xxxx
Driscoll, Willis C., xxx-xx-xxxx
Drucker, Charles, xxx-xx-xxxx
Eichner, George H., xxx-xx-xxxx
Gadbois, William F., xxx-xx-xxxx
Gold, William F., xxx-xx-xxxx
Goldman, Harry A., xxx-xx-xxxx
Haas, John K., xxx-xx-xxxx
Halliday, Herbert E., xxx-xx-xxxx
Hampton, Melvin E. Jr., xxx-xx-xxxx
Hassell, Joe W., xxx-xx-xxxx
Jones, Allen W., xxx-xx-xxxx
Koniski, Frank, xxx-xx-xxxx
Lescantz, Lawrence, xxx-xx-xxxx
Machlan, Edward F., xxx-xx-xxxx
Magenheim, Fred, xxx-xx-xxxx
Marasek, Harry J., xxx-xx-xxxx
Mixson, Marvin E., xxx-xx-xxxx
Moorehouse, John W., xxx-xx-xxxx
Mulherin, Brian J., xxx-xx-xxxx
Newman, Harrell G., xxx-xx-xxxx
Plotnick, Harold L., xxx-xx-xxxx
Ponder, Charles L., xxx-xx-xxxx
Prough, James K., xxx-xx-xxxx
Purcell, John F., xxx-xx-xxxx
Sparks, Albert K., xxx-xx-xxxx
Taylor, Alvin N., xxx-xx-xxxx
Taylor, Lawrence K., xxx-xx-xxxx
Tierney, John T., xxx-xx-xxxx
Young, Elisha A., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Layne, Dorthea F., xxx-xx-xxxx
McNeill, Mary E., xxx-xx-xxxx
Nicolaidis, Lillian, xxx-xx-xxxx
Pinkston, Dorothy, xxx-xx-xxxx
Vandommelen, L. J., xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Cook, John B., xxx-xx-xxxx
Graber, Jay E., xxx-xx-xxxx
Powers, Thomas E., xxx-xx-xxxx

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3366 and 3367:

To be lieutenant colonel

Dobbs, Wesley H., xxx-xx-xxxx
Goble, Bobby, xxx-xx-xxxx
Piercy, Richard T., xxx-xx-xxxx
Snare, Raymond J., Jr., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Baezreyes, Leonor, xxx-xx-xxxx
Burt, Margie O., xxx-xx-xxxx
Cherrington, Raymond, xxx-xx-xxxx
Crowley, Maureen A., xxx-xx-xxxx
Darienzo, Philip C., xxx-xx-xxxx
Dean, Betty Y., xxx-xx-xxxx
Deshong, Julia A., xxx-xx-xxxx
Donnelly, Glenda K., xxx-xx-xxxx
Duckworth, M. G., xxx-xx-xxxx
Gonzalez, Jose M., xxx-xx-xxxx
Gruetzmacher, J. M., xxx-xx-xxxx
Hill, Elva L., xxx-xx-xxxx
Irvin, Joan E., xxx-xx-xxxx
Jorgenson, Shirley, xxx-xx-xxxx
Kobel, Thomas R., xxx-xx-xxxx
Land, Margaret A., xxx-xx-xxxx
Lewis, James R., xxx-xx-xxxx
Mathews, Charles T., xxx-xx-xxxx
McCann, Shelia A., xxx-xx-xxxx
McKinney, Janet L., xxx-xx-xxxx
McQuail, Claire M., xxx-xx-xxxx
Mihalak, Helen A., xxx-xx-xxxx
Morman, Geraldine G., xxx-xx-xxxx
Oheren, John Thomas, xxx-xx-xxxx
Olshefski, Jessie W., xxx-xx-xxxx
Peterson, Dovie L., xxx-xx-xxxx
Pirington, Donna R., xxx-xx-xxxx
Richards, Edward F., xxx-xx-xxxx
Rios, Luz M., xxx-xx-xxxx
Simila, Carmelita R., xxx-xx-xxxx
Staubin, Margaret, xxx-xx-xxxx
Thompson, Frances M., xxx-xx-xxxx
Thompson, Patsy R., xxx-xx-xxxx
Verret, Blaise C., xxx-xx-xxxx
Wadkins, Peggy J., xxx-xx-xxxx
Waldeck, Doris J., xxx-xx-xxxx
Ward, Doris R., xxx-xx-xxxx
Wheeler, Lenea M., xxx-xx-xxxx
Wheeler, Peggy L., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Bagley, Lell O., xxx-xx-xxxx
Blake, Jay R., xxx-xx-xxxx
Brockbank, Bruce M., xxx-xx-xxxx
Eddlemon, Vernon S., xxx-xx-xxxx
Freels, Kenneth F., xxx-xx-xxxx
Godbold, Dunbar O., xxx-xx-xxxx
Grantham, Norman B., xxx-xx-xxxx
Kelley, Gordon E., xxx-xx-xxxx
Kennedy, Michael R., xxx-xx-xxxx
Madison, Richard D., xxx-xx-xxxx
Martin, Robert B., xxx-xx-xxxx
May, Robert H., xxx-xx-xxxx
McNamara, Robert W., xxx-xx-xxxx
Monsen, Robert M., xxx-xx-xxxx
Shaye, Robert, xxx-xx-xxxx
Smith, W. E., Jr., xxx-xx-xxxx
Stewart, Thomas C., xxx-xx-xxxx
Wahl, Norman, xxx-xx-xxxx
Wessar, George J., xxx-xx-xxxx
West, Nathaniel M., xxx-xx-xxxx
Wilson, Joshua H., Jr., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Bryan, Albert R., xxx-xx-xxxx
Burbank, Mahlon K., xxx-xx-xxxx
Campbell, James A., xxx-xx-xxxx
DeJesus, Felipe N., xxx-xx-xxxx
Dugan, William M., Jr., xxx-xx-xxxx
Forlidas, Nicholas, xxx-xx-xxxx
Gilmartin, Richard, xxx-xx-xxxx
Hardin, Thomas F., Jr., xxx-xx-xxxx
Long, Robert G., xxx-xx-xxxx
Martin, James B., xxx-xx-xxxx
Steckler, David R., xxx-xx-xxxx
Trapp, George A., xxx-xx-xxxx
Watkins, Billy N., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Bailey, Homer S., xxx-xx-xxxx
Barber, Loy H., xxx-xx-xxxx
Becker, Henry M., xxx-xx-xxxx
Bennett, Lloyd M., xxx-xx-xxxx
Billingsley, Robert, xxx-xx-xxxx
Botton, Irving, xxx-xx-xxxx
Briant, Orlan H., xxx-xx-xxxx
Brown, Arthur T., xxx-xx-xxxx
Bryan, Charles A., xxx-xx-xxxx
Bunce, George E., xxx-xx-xxxx
Chun, Michael A. S., xxx-xx-xxxx
Clark, William K., xxx-xx-xxxx
Cohen, Melvin S., xxx-xx-xxxx
Coley, Virgil R., xxx-xx-xxxx
Conti, Corrado, xxx-xx-xxxx
Cullins, Alfred E., xxx-xx-xxxx
Cushing, James H., Jr., xxx-xx-xxxx
Custer, John C., xxx-xx-xxxx
Daniels, Ernest P., xxx-xx-xxxx
Davis, Thomas W., xxx-xx-xxxx
Dawson, Arthur W., Jr., xxx-xx-xxxx
Decarlo, Michael J., xxx-xx-xxxx
Dickerson, Charles, xxx-xx-xxxx
Duncan, Donald D., xxx-xx-xxxx
Dunson, George Lee, xxx-xx-xxxx
Edge, Jesse T., xxx-xx-xxxx
Fennell, Ralph G., xxx-xx-xxxx
Figuerastirado, R., xxx-xx-xxxx
Finch, Nathaniel H., xxx-xx-xxxx
Fonkalsrud, Alfred, xxx-xx-xxxx
Gatliff, George W., xxx-xx-xxxx
Gauntner, Robert L., xxx-xx-xxxx
Gourley, Lynn M., xxx-xx-xxxx
Grayson, Ernest, Jr., xxx-xx-xxxx
Green, Emmanuel B., xxx-xx-xxxx
Grolli, Frank T., xxx-xx-xxxx
Guren, Arthur L., xxx-xx-xxxx
Hall, Robert T., xxx-xx-xxxx
Hansen, John C., xxx-xx-xxxx
Hardin, James E., xxx-xx-xxxx
Harris, Elwin C., xxx-xx-xxxx
Harrison, Richard E., xxx-xx-xxxx
Henry, John C., xxx-xx-xxxx
Higgins, Ervin A., xxx-xx-xxxx
Jonak, Joseph R., xxx-xx-xxxx
Jones, Charles C., xxx-xx-xxxx
Kautz, Karl F., xxx-xx-xxxx
Kennedy, Glen M., xxx-xx-xxxx
Krowicki, Richard S., xxx-xx-xxxx
Lage, Joao V., xxx-xx-xxxx
Lang, Huey P., xxx-xx-xxxx
Lau, Edward F. C., xxx-xx-xxxx
Lyons, Donald K., xxx-xx-xxxx
MacFarlane, George, xxx-xx-xxxx
Marley, Henry B., xxx-xx-xxxx
Millard, Thomas L., xxx-xx-xxxx
Moran, Martin F., xxx-xx-xxxx
Nichols, Alex C., xxx-xx-xxxx
O'Connell, Raymond T., xxx-xx-xxxx
Petersen, Walter H., xxx-xx-xxxx
Peterson, Carl T., xxx-xx-xxxx
Phenix, Donald P., xxx-xx-xxxx
Pratt, Henry J., xxx-xx-xxxx
Proctor, Cornel P. J., xxx-xx-xxxx
Rochelle, Francis R., xxx-xx-xxxx
Roseman, Charles W., xxx-xx-xxxx
Rossie, William L. J., xxx-xx-xxxx
Schutte, Harry A., Jr., xxx-xx-xxxx
Seawards, Cecil K., xxx-xx-xxxx
Sills, Vernon D., xxx-xx-xxxx
Skowronski, George, xxx-xx-xxxx
Snavely, Charles R., xxx-xx-xxxx
Stewart, Roland E., xxx-xx-xxxx
Trover, Cullen E., xxx-xx-xxxx
Twitchell, Richard, xxx-xx-xxxx
Volz, Russell L., xxx-xx-xxxx
Waldinger, Conrad R., xxx-xx-xxxx
Wandall, William M., xxx-xx-xxxx
Ward, Robert K., xxx-xx-xxxx
White, Albert J., Jr., xxx-xx-xxxx
Wiggins, Charles W., xxx-xx-xxxx
Wilt, Chester F., xxx-xx-xxxx
Wood, Thomas E., xxx-xx-xxxx
Wray, John D., xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be lieutenant colonel

Ager, Charlene L., xxx-xx-xxxx
Cole, Robert V. Jr., xxx-xx-xxxx
Duff, John M. Sr., xxx-xx-xxxx
Fleming, Elliott T., xxx-xx-xxxx
French, William C., xxx-xx-xxxx
Hall, Frank T., xxx-xx-xxxx
Kawano, Adeline A., xxx-xx-xxxx
Pennucci, Jean C., xxx-xx-xxxx
Syrjala, Edith A., xxx-xx-xxxx
Walker, Archie L., xxx-xx-xxxx
Wilson, Anna J., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Gable, Donald A., xxx-xx-xxxx
Ferrell, John F., xxx-xx-xxxx
Pulliam, James D., xxx-xx-xxxx

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 591, 593, 594:

To be lieutenant colonel

Hopper, James A., xxx-xx-xxxx

DENTAL CORPS

To be lieutenant colonel

Beatty, Edward J., xxx-xx-xxxx
Ligon, Charles R., xxx-xx-xxxx
Skinner, Frederick, xxx-xx-xxxx
Homer, John C., xxx-xx-xxxx
Pokorney, Robert L., xxx-xx-xxxx
Zulaski, John F., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Barnes, Sam T., xxx-xx-xxxx
Brown, Paul M., xxx-xx-xxxx
Detata, Juan C., xxx-xx-xxxx
Dille, John R., xxx-xx-xxxx
Harden, Lewis B., xxx-xx-xxxx
Mobley, Joe D., xxx-xx-xxxx
Seymour, Donald W., xxx-xx-xxxx

VETERINARY CORPS

To be lieutenant colonel

Fairchild, David G., xxx-xx-xxxx

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

To be colonel

Franklin, Calvin G., xxx-xx-xxxx
Hall, Charles A., xxx-xx-xxxx
Kuhn, Albert G., xxx-xx-xxxx
Pitsker, Cooper K., xxx-xx-xxxx
Wagoner, Neal E., xxx-xx-xxxx
Weller, Arthur A. Jr., xxx-xx-xxxx

To be lieutenant colonel

Atchison, Robert D., xxx-xx-xxxx
Bankes, Dale M., xxx-xx-xxxx
Bell, Harold A., xxx-xx-xxxx
Best, James R. W., xxx-xx-xxxx
Bishop, David L., xxx-xx-xxxx
Brashear, Jay, xxx-xx-xxxx
Christenson, Darwin B., xxx-xx-xxxx
Clark, William R., xxx-xx-xxxx
Damkaer, Donald M., xxx-xx-xxxx
Dehne, Douglas J., xxx-xx-xxxx
Hall, Charles K., xxx-xx-xxxx
Hyland, Erik J., xxx-xx-xxxx
Kelly, Paul A., xxx-xx-xxxx
Kelsey, John P., xxx-xx-xxxx
Ledbetter, William M., xxx-xx-xxxx
Lister, Benjamin E., xxx-xx-xxxx
McClure, Marcus O., xxx-xx-xxxx
McDonald, John H., xxx-xx-xxxx
Murphy, John L., xxx-xx-xxxx
Pang, Ted S. Y., xxx-xx-xxxx
Picard, Jack A., xxx-xx-xxxx
Potter, Philip L., xxx-xx-xxxx
Rathbun, Robert R., xxx-xx-xxxx
Reep, Elton D., xxx-xx-xxxx
Schulz, Gary E., xxx-xx-xxxx
Thackston, Carroll, xxx-xx-xxxx
Uhlman, Wesley C., xxx-xx-xxxx
Watson, Robinson R., xxx-xx-xxxx
Wood, Milton O., xxx-xx-xxxx
Zimmerman, Robert B., xxx-xx-xxxx

ARMY NURSE CORPS

To be lieutenant colonel

Maves, James L., xxx-xx-xxxx

MEDICAL CORPS

To be lieutenant colonel

Mohs, Frank R., xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be lieutenant colonel

Carr, Donald E., xxx-xx-xxxx

EXTENSIONS OF REMARKS

REMARKS ON THE BICENTENNIAL

HON. RUSSELL B. LONG

OF LOUISIANA

IN THE SENATE OF THE UNITED STATES

Friday, September 24, 1976

Mr. LONG. Mr. President, on July 4, 1976, I was privileged to attend a most inspiring church service in Shreveport, La., at the First Baptist Church in that great city.

On that occasion, we were favored by a statement by my colleague, Senator BENNETT JOHNSTON, as well as an equally inspiring sermon by Dr. William E. Hull.

I ask unanimous consent that both of these eloquent statements be printed in the Extensions of Remarks.

There being no objection, the statements were ordered to be printed in the Extensions of Remarks:

ADDRESS OF SENATOR BENNETT JOHNSTON ON JULY 4, 1976, TO THE FIRST BAPTIST CHURCH OF SHREVEPORT, LA.

Two hundred years ago this very day, a band of patriots met in Philadelphia, mutually to pledge to one another their lives, their fortunes, their sacred honor to a revolutionary new concept and cause—independence and liberty. It was indeed a brave action, an incredibly brave action because England was one of the most powerful nations in the world preeminent in the field of naval power and army power. The colonies had absolutely no strength—no army, no navy, no government, in short, no strength, no power at all. And what these brave men were doing, if not successful, had been punishable by death as treason.

In that same year, in 1776 in China, Emperor Lung of the Ching dynasty presided over the greatest territorial expansion in the

history of the country of China. In Russia, Catherine the Great, trying to become and never quite succeeding to become a benevolent despot, ruled a powerful country with a population of millions.

Both China and Russia had developed resources in foreign trade, education, art, a strong government infrastructure—in short each of these countries, both China and Russia, had a highly developed civilization, hundreds of years ahead of that in the colonies. What a contrast with today.

In this bicentennial we can congratulate ourselves on being ahead of both China and Russia in every conceivable measure of endeavor. The average Chinaman, for example, makes $300 a year. The average Russian makes $2300 a year; and the average American makes $6,640 a year. In per capita income that's 3 to 1 over Russia and 22 to 1 over China. In terms of Gross National Product we're ahead of Russia by 2 to 1 and China by 9 to 1. Three percent of the American population lives and works on the farm and yet we outproduce Russia which has 39 percent population living on the farm and China which has 75 percent of their population living on the farm. We've got more TVs, more telephones, more bathtubs, more automobiles, more jet planes, more private homes, in short more creature comforts than all the Communist world combined.

We've come closer to the elimination of poverty and want in this country than our forefathers could have ever dreamed conceivable or possible.

We beat the Russians and the Chinese in other areas—in the arts, in literature, in music, in entertainment—but the most tragic, the most telling comparison of all has to do with a look at our borders. There's a plowed strip hundreds of yards wide running down the border of East Germany and indeed, all of the Communist countries in Eastern Europe. It's a plowed strip with barbed wire on each side, patrolled by police dogs, and guarded by sentries with 50 caliber machine guns. I've flown over that plowed strip in a helicopter.

Thousands have died—thousands have died attempting to cross that plowed strip or climb that Berlin Wall attempting to escape to get to freedom. In China, thousands have died attempting that perilous swim to get to the free world. Thousands have perished, but the population of Hong Kong has more than tripled swelling that town with refugees from Communism who have successfully swum that river.

In Texas along the Rio Grande we also patrol the border, and thousands have also made that swim, but they're trying to get in, not trying to get out. And thousands each year do escape to this great country, this beacon of freedom in the world.

Now how did this come about from those humble beginnings, from that great contrast in 1776, where Russia and China started out so far ahead, and we started out so far behind? And now we've overtaken them in every measure of competition known to man.

Well some people say that it is people. Americans are a superior lot they say. Well it wasn't always so. This country was not settled by the richest, or the strongest, or the most intelligent or most educated people in the world. The English, the French, the Germans and all the rest who came to these borders were for the most part, not aristocrats, not nobility. They were mostly people fleeing—fleeing oppression or religious discrimination, and virtually all of them fleeing poverty and in poverty. They were powerless and penniless—most of them.

Some say that we made this great leap ahead of Russia and China and all the rest of the world because of resources. But other nations also have resources—to name just a few, Russia, Nigeria, Brazil—and yet these countries have always known they have the resources but will probably always be the countries of manana—not today, but manana.

What is it then that has made us what we are—that is responsible for this incredible progress? What is it that is the greatness, the essence of America? It is decidedly not things that are the essence of America. Things are nice, and we've got more of them in this country than anybody else in the world. But those who celebrate things are missing the point of this Bicentennial. Our nation is not great because of things or wealth; our nation is great because of its ideas, its ideals. It is our ideas that make us different, that set us apart, that make us unique in all the recorded history of man.

What are these ideas? You know them well. First freedom—freedom of speech, movement, thought, free enterprise—a system that rewards merit, quality, hard work and productivity. It is these freedoms in America that have unlocked that creative genius that is responsible for the invention, the innovation that has aided the search for beauty in art and letters, and literature; and brought all this into the great fruition so that in these United States the pursuit of happiness is for the most part successful. And if it's not successful, it's not the fault of the Constitution and the freedom which go with it.

Basic also to the American concept, to the American idea, is self-government. Here in the United States, men govern themselves without a master, without an emperor, without a king, without a dictator—govern themselves. Mistaken though they sometimes are, we as Americans are responsible for our own mistakes. In our system, all men are created equal before the law. No man, no President, no Senator, no Supreme Court Justice, is above the law. This *is* a government, as Lincoln said, of the people, by the people, for the people.

But the most revolutionary, unique and I think important idea of all, that we Americans have, has to do with our relationship with God and the church. We are a nation literally founded upon belief in God. The Declaration of Independence 200 years ago, called upon "a firm reliance on the protection of Divine Providence as support for this Declaration."

George Washington, in the depths of that difficulty at Valley Forge, publicly led his men in prayer. Franklin moved that each session of the Constitutional Convention begin with prayer. And every Congress since the Continental Congress has begun its deliberation in prayer.

Our Pledge of Allegiance acknowledges that we are "one nation under God, indivisible, with liberty and justice for all." It is the God-fearing, church-going people of this nation who have built it, who have sustained it, and who have led it, through 200 years of the most glorious history in the annals of mankind.

Well, if this is so, if this is a nation built upon, founded upon and dedicated to God; how is it that we can profess separation of Church and State? To the foreigner, this is a mystery more perplexing, more baffling than the Book of Revelations.

We, Americans, have always been dedicated to the idea of the dignity of man, to the sanctity of the soul and conscience of each individual. We separated Church from State not because we love the Church less, but because man's relationship with God is an entirely personal relationship. The government cannot save a man's soul or run a viable Church. And you know in history they have tried both, all in dismal failure. And the government cannot make up prayers, or print a hymnal, or preach a sermon. By the time the government removes everything that's offensive to any group in a prayer, in a prayer book, or whatever it is; then it pleases no one at all, because it's devoid of meaning and content and spirit. It just doesn't work for the government to dictate belief and religion.

For religion to be strong and free, it must be entirely separate from the government.

We, as Baptists, especially emphasize this importance of separation of Church and State. And we fiercely emphasize the personal nature of man's relationship to God. We believe a man must be saved by faith, by personal faith, by personal faith publicly expressed. The opportunity, the glory of redemption, are within the reach of every man, of each and every man and woman in this sanctuary today, and each and every man and woman anywhere in the world. But each of us, must make that decision for himself. Our spouses, our parents, can't make it for us, the preacher can't do it for us, and certainly the government can't do it for us. So it is the genius of our constitution that guarantees that this relationship between man and God, between an American citizen and his Church, shall be entirely personal and private and inviolate from government intrusion.

But if we respect man's freedom, and his free choice, and if we separate his religion from government aid, and from government compulsion, then we also guarantee his right to reject his Church, to sin and to turn from God, and so Americans by the millions have exercised this constitutional right to do just that. And indeed many of us have been concerned in recent years that as a whole nation that we have begun to turn from God and reject the church.

But I must say, in the bicentennial year, that I sense, I feel, a new spirit abroad in this land—a return to faith. It seems to me to be just beginning to be emerging. Perhaps the evidence to some of you is decidely underwhelming, but I think the evidence is there. America is hungry, I believe, for a revival, for a revitalization, of faith.

When evangelism and the gospel are assuming a brand new importance and popularity on the campuses of this nation, that tells me something. When a man in political life can run for highest political office in this nation and publicly profess to be a born-again Christian and the people respond to that, then that tells me something about this nation. But if this new spirit is beginning, it is only beginning. It, too, can be snuffed out like a candle in the breeze unless we as Americans and Christians sustain that life and that candle.

So it is important, it is indeed essential, that we rededicate ourselves to this faith—faith in our ideals, faith in our Constitution, faith in our God. To that basic faith so eloquently expressed in those familiar lines. "Our fathers God to thee, author of liberty—to thee we sing, long may our land be bright, with freedom's holy light, protect us by thy might, Great God our King."

THE CONTINUING REVOLUTION

(By William E. Hull)

(A Bicentennial Meditation delivered in the First Baptist Church, Shreveport, Louisiana, on July 4, 1976:)

He was one of those tall Texans that abound in the burgeoning city of Houston. Our paths converged in Tokyo during the 1970 Congress of the Baptist World Alliance, after which we criss-crossed the Orient together in company with other Texas and Louisiana Baptists who had signed up for the same tour.

As our relationship quickly ripened in the camaraderie of that congenial group, I began to learn what made my new-found friend really tick. For one thing, he was

obviously prosperous, although not in the least ostentatious about his considerable affluence. In the cramped confines of airplanes and motorcoaches, it takes no snooping to detect that one tells time by Rolex and tucks his tickets into an Oxford jacket. Clearly feeling that he had earned his comfortable life-style, my traveling companion bristled at the mention of any counterculture intent on challenging the status quo which had legitimatized his prosperity. Remember, this was 1970 when we were in the backlash of Berkeley and Mr. Nixon was at his establishmentarian best!

His mood of defensiveness seemed to mount as we beheld the excruciating poverty which festered on the edges even of our carefully chosen tourist trails. Somehow, for him, all of this aching misery could be overcome if only these indolent peasants would practice some good old-fashioned capitalism (and maybe discover a little oil in their backyard?). His increasingly strident protest reached a climax during our days in Hong Kong. One morning we left Kowloon and drove through the New Territories up to the border of Red China. From the nearby Lok Ma Chau lookout point the guide explained that the Shum Chun River flowing through the verdant valley below defined the boundary between the two countries, then a Bamboo Curtain which no Westerner could penetrate.[1]

We sat for some time, the two of us, beholding that scene while the others went for refreshments. Struck by the beauty of the vista that opened to our eyes, I remarked: "Have you noticed that it's just as beautiful over there, on the other side of the river, as it is over here on 'our' side? Strange isn't it, how God still makes his sun rise on the evil and on the good, and sends his rain on the just and on the unjust?" (an allusion to Matthew 5:45). Becoming a bit pensive, I inquired: "Do you still pray for the Chinese, at least at Lottie Moon Offering time,[2] like we used to do before the Communists took over?" Failing to sense my mood, which was attuned neither to political nor to economic concerns, he replied with a tart little lecture on the menace of the Red Horde which quickly became a diatribe against every reform movement at home and abroad.

I sensed that the moment of truth had come when I could no longer yield to the invective of his rhetoric without bearing false witness to my convictions by a silence which implied consent. So I waited a long moment for the atmosphere to clear, took a deep breath, and responded as nonchalantly as I knew how: "Back in 1776, when a full-scale revolution was launched against the status quo, you would have been a Tory, wouldn't you?"[3] His pause matched mine in both length and depth, then came as wistful a reply as I think I shall ever near: "Yes, I suppose so. Probably after a futile protest against the rebels I would have packed up and sailed for England." Neither of us said more. It was not the time to press a point. Rather, we both looked in the mirror of history for a moment in an effort to learn from the past how to cope with the present in the light of the onrushing future. I have not seen my Texas friend since then. I wonder what his thoughts will be on this July 4 in our Bicentennial Year?

For myself, Independence Day after two hundred years means that it is still legitimate to be an American and belong to a revolution! Not, to be sure, as an exercise in anarchy, the wanton and senseless upheaval of existing structures merely for the sake of change. Rather, as the inherent privilege—indeed, the God-given responsibility—to protest against every form of tyranny which thwarts the inalienable rights of all mankind. The chance to chart a new course unfettered by tired traditions and obsolete institutions. The willingness to risk untried principles and to experiment with innovative approaches in the invincible surmise that the best is yet to be!

In his latest novel, *Trinity*, Leon Uris paraphrases Eugene O'Neill: "In Ireland there is no future, only the past happening over and over again."[4] The best bicentennial birthday present our nation could receive is a usable future, one that is genuinely new, potentially different, free from the shackles of blind fate or the necessities of historical determinism. Our forefathers spoke quite literally of exchanging an Old World for a New World. We no longer have their geographical opportunity to put an ocean between us and our past, or to carve out a new nation by conquering a territorial frontier. But July 4, if it is still valid after two hundred years, says that a new nation may yet emerge out of the old, one in which we secure afresh for ourselves and our posterity the blessings of almighty God, among which are "life, liberty, and the pursuit of happiness."

Is anything less than a bona fide revolution adequate for the staggering challenges which lie before us? With flagrant corruption abounding in high places, with slums festering, with deficits mounting, with voter apathy rampant, with national resolve dissipated—this is no time to be a Tory! While giving thanks to God for two centuries of prosperity and growth, let us not in the third century which begins today turn our backs on our founding ideals by setting sail for the Old World from whence we came. There are still caste systems to be abolished, injustices to be righted, imperial wars to be ended if only we have not lost our nerve for true revolution!

One of our authentic national legends is the story of Rip Van Winkle and his enormous nap of twenty years.[5] Returning to his village after so prolonged an absence, he found everything different. Even the signs on the old Dutch Inn had replaced the ruddy face of King George by the likeness of one called George Washington. When a suspicious crowd began to demand an explanation for his presence, Rip replied: "I am a poor quiet man, a native of this place, and a loyal subject of the king, God bless him!"[6] These words were met with angry shouts of "Tory! Spy! Away with him!" until an old woman tottered up to explain the mystery: for twenty years he had been sleeping through a revolution!

There can be no doubt that a revolution is still going on in our world: a revolution of rising expectations among the disenfranchised masses, many of whom are literally starving to death; a revolution of equal opportunity among neglected minorities and that heretofore silent majority of womankind; a revolution of moral integrity that confers power on the just and the able rather than on the brutal and the greedy. It would be the supreme irony of our history if America becomes so intoxicated on the elixir of her success that she sleeps through the contemporary revolution. To be sure, the entrenched Torys of today can dismiss our modern patriots with labels such as "liberal" or "the New Left," which is only another way of saying: "I've got it made! Things are like I want them! So let the revolution stop!"

But the revolution will not stop! Not as long as America remains a viable dream, not as long as July 4 rolls around each year to remind us that we began as rebels, not as long as God himself is pleased to use this nation as one of the chosen instruments by which He makes all things new.

FOOTNOTES

[1] For a description of this scene see Dena Kaye, "China Without a Visa," *Saturday Review/World*, July 13, 1974, pp. 44–45.

[2] An annual offering for foreign missions contributed by churches of the Southern Baptist Convention.

[3] On religious factors in Toryism during the American Revolution see Mark Noll, "Tory Believers: Which Higher Loyalty?", *Christianity Today*, July 2, 1976, pp. 6–9.

[4] Quoted in *Mainliner*, June, 1976, p. 18, from Leon Uris, *Trinity* (Garden City: Doubleday & Company, 1976).

[5] Washington Irving, "Rip Van Winkle," *The Sketch Book* (The World's Classics, CLXXIII; London: Oxford University Press, 1912), pp. 39–63.

[6] *Ibid.*, p. 55.

SENATE—*Monday, September 27, 1976*

(Legislative day of Friday, September 24, 1976)

The Senate met at 10 a.m., on the expiration of the recess, and was called to order by Hon. DALE BUMPERS, a Senator from the State of Arkansas.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

*Lord, Thou hast been our dwelling place in all generations * * * even from everlasting to everlasting, Thou art God.*—Psalms 90: 1, 2b.

As the days pass into weeks and the weeks into years, may every day be to us a new beginning. Help us to put behind us the sins, mistakes, and failures of the past and with clean hands and pure hearts help us to do our duty as service to Thee. Show us again that Thy kingdom comes not by instant magic but by the working, plodding, striving of human beings such as those who labor in this place. Grant then *"that we may apply our hearts unto wisdom. * * * And let the beauty of the Lord our God be upon us: and establish Thou the work of our hands upon us; yea, the work of our hands establish Thou it."* Psalms 90: 12b, 17. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 27, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DALE BUMPERS, a Senator from the State of